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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24166 of 2021

Vinoth Kumar

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Arani Taluk Police Station
(Crime No.1056 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail in Crime No.1056 of 2021 on the file of the respondent police.

For Petitioner : Mr.T.Shanmugam

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 04.09.2021 for the offences under Sections 294(b), 324 and 307 IPC, in Crime No.1056 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a money dispute between the victim and A1 due to which, A1 along with other accused attacked the victim and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is not involved in the offence and he has been falsely implicated. He further submits that the petitioner has been suffering incarceration from 04.09.2021. He would further submit that co-accused has been released on bail by this Court in Crl.O.P.No.17835 of 2021 dated 27.09.2021 and that the petitioner is ready and willing to pay a substantial amount to any charitable institute as may be directed by this Court without prejudice to his rights and contentions before the trial Court and he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the injured person has been discharged from the hospital and some of the co-accused have been released on bail by this Court. However, he opposed for grant of bail to the petitioner.

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5. In view of the submissions made by both the Counsels and the fact that the injured person has been discharged from the hospital and some of the co-accused have been granted bail by this Court and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Thiruvannamalai**, and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of **Rs.5,000/- (Rupees Five Thousand Only)**, through demand draft to the **Registered Advocate Clerks Association, Arani**, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police on every Tuesday and Sunday at 10.30 a.m., until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
10/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, THIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARANI TALUK POLICE STATION,
THIRUVANNAMALAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

6 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
ARANI.

+1 CC to M/S. T.SHANMUGAM Advocate on payment of necessary charges SR.NO.14519

CRL OP.24166/2021

Date :10/12/2021

TA-10/12/2021