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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

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

Cr1.O.P.No.25354 of 2021

Selvaraj

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
Marandahalli Police Station
Dharmapuri District
(Crime No.440 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.440 of 2021 on the file of the Inspector of Police, Marandahalli Police Station, Dharmapuri District.

For Petitioner : M/s.C.Prabakaran

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.11.2021 for the offences under Sections 294 (B) and 307 of IPC in Crime No.440 of 2021, seeks bail.

2. The case of the prosecution is that defacto complainant was abused and assaulted by the petitioner while they were jointly consuming liquor. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offense and he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 28 days from 25.11.2021 and hence, he would pray for grant of bail to the petitioner



4. The learned Government Advocate (Crl. Side) would raise objection stating that defacto complainant was abused and assaulted by the petitioner while they were consuming liquor but admits that co-accused/A2 has been released on bail and the victim has been discharged from the hospital and that the investigation is almost completed.

5. Considering the fact that the co-accused/A2 has been released on bail and the victim has been discharged from the hospital and that the investigation is almost completed and also considering the period of incarceration undergone 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, Palacode, Dharmapuri District, and on further conditions that:

(a) 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 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/-
23/12/2021

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,
PALACODE, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MARANDAHALLI POLICE STATION,
DHARMAPURI DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, DHARMAPURI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.C.PRABAKARAN Advocate on payment of necessary
charges SR.NO.15419

CRL OP.25354/2021

Date :23/12/2021

CSK 23/12/2021