



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

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

Crl.O.P.No.25468 of 2021

B.Doss

.. Petitioner

Vs.

State represented by
The Inspector of Police
T-12, Poonamalle Police Station,
Chennai - 600 062
Crime No.1465 of 2021

.. Respondent

PRAYER: Criminal Original Petition has been filed under Sections 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the Crime No.1465 of 2021 on file of the respondent police.

For Petitioner : M/S.B.Balamurugan

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

O R D E R

The petitioner who was arrested and remanded to judicial custody on 24.11.2021 for the offences under Sections 294(b), 307, 506(2) of IPC & 4 of TNPHW Act in Crime No.1465 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner abused and attacked the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for about 29 days from 24.11.2021 and hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner was earlier convicted for a murder case and that due to previous enmity, the petitioner abused and attacked the defacto complainant but admits that the investigation is almost completed.



5. Considering the facts and circumstances of the case and 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.

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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 Poonamallee-II, 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 stay at Kambam in Theni District and report before the Town Police Station daily at 10.30 a.m., for a period of two months and thereafter, report before the respondent police as and when required for interrogation.

(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.

-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.



1 THE JUDICIAL MAGISTRATE,
NO.II, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
T-12, POONAMALLEE POLICE STATION,
CHENNAI 600062.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

6 THE OFFICER INCHARGE,
TOWN POLICE STATION, KAMBAM,
THENI DISTRICT.

+2 CC to M/S. B.BALAMURUGAN Advocate on payment of necessary
charges Sr.15496

CRL OP.25468/2021

Date :23/12/2021

RVR 23/12/2021