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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

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

Cr1.O.P.No.1459 of 2022

Sundaramoorthy

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Edaikkal Police Station,
Kallakurichi District.
(Crime No. 329 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail, in the Crime No. 329 of 2021 pending on the file of the Inspector of police, Edaikkal Police Station, Kallakurichi District.

For Petitioner : M/s.S.Nedunchezhiyan

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody for the offences under Sections 294 (b), 323, 324, 341, 506 (ii) and 307 of IPC in Crime No.329 of 2021 , on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.11.2021, the petitioner abused and assaulted the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for more than one month. Hence, he would pray for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent would raise objection stating that due to the attack, the victim suffered 15 sutures but admits that the investigation is almost completed.

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5.Considering the above facts and circumstances of the case and the fact that the investigation is almost completed and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the credit of Crime No.329 of 2021 and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-I, Ulundurpet, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Monday and Saturday at 10.30 a.m. until further orders.

(e) the defacto complainant is permitted to withdraw the deposit amount of Rs.20,000/- (Rupees Twenty Thousand Only) on proper identification and acknowledgement.

(f) the petitioner shall not commit any offences of similar nature;

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

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

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];



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

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-sd/-

24/01/2022

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, ULUNDURPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPPURAM DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, ULUNDURPET.

4 THE INSPECTOR OF POLICE,
EDAIAKKAL POLICE STATION,
KALLAKURICHI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S S.NEDUNCHEZHIAN Advocate on payment of necessary charges

CRL OP.1459/2022

Date :24/01/2022

RW 25/01/2022