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Crl.OP.No.16197 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.16197 of 2022

Mahendran @ Mahu

...Petitioner

Vs.

State, Rep. by
The Inspector of Police,
Sembanarkovil Police Station,
Nagapattinam District.
Crime No.185 of 2022

...Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C.

praying to enlarge the petitioner on bail in Crime No.185 of 2022 on the file of

The Inspector of Police, Sembanar Kovil Police Station, Nagapattinam District.

For Petitioner : Mr.S.P.Harikrishnan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.06.2022 for the offence under Sections 294(b), 353 & 307 of IPC read with Section 25(1A) of Indian Arms Act, in Crime No.185 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had scoled the defacto complainant in filthy language and assaulted with billhook and thereby the defacto complainant sustained injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that there was a previous enmity between the petitioner and Investigation Officer and therefore all the cases have been foisted against the petitioner. That apart, the petitioner were arrested and remanded to judicial custody on 19.06.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner is a history sheeter in H.S.No.476 of 2001 and there are six previous cases



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pending as against the petitioner. Hence, he vehemently opposed for granting bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner ie., from 19.06.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, petitioner is ordered to be released on bail on his executing separate bond for a sum of Rs.10,000/- (**Rupees ten thousand only**) with **two blood related sureties**, each for a like sum to the satisfaction of the learned **District Munsif-Cum Judicial Magistrate, Tharangambadi** 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 the District Munsif-Cum Judicial Magistrate, Tharangambadi daily at 10.30.a.m., until further orders;



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[c] the petitioner shall not abscond either during investigation or trial.

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[d] the petitioner shall not tamper with evidence or witness 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1. District Munsif-Cum Judicial Magistrate,
Tharangambadi
2. The Inspector of Police,
Sembanarkovil Police Station,
Nagapattinam District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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