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CrI.OP.No.16550 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2022

CORAM

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

CrI.OP.No.16550 of 2022

1.Kalidoss

2.Sanjay

..Petitioners

Vs.

State rep. by the
Inspector of Police,
Kodarachery Police Station,
Thiruvarur District.
(Crime No.108 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.108 of 2022 on
Inspector of Police, Kodarachery Police Station, Thiruvarur District.

For Petitioners : Mr.P.Muthamizhselvakumar

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

ORDER

The petitioners, who were arrested and remanded to judicial



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custody on 12.06.2022 for the offence under Sections 341, 294(b), 353, 506(ii) of IPC R/w 3(1) of TNPPDL Act in crime No.108 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that petitioners along with other accused persons, under the influence of alcohol, disturbed the general Public. When the same was questioned by the *de-facto* complainant, they assaulted him and also removed and damaged the barricade by pelting stones. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners were arrested and remanded to judicial custody on 12.06.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the 1st petitioner is having four previous cases and 2nd petitioner is having four previous cases pending against them. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioners from the date of their arrest i.e. 12.06.2022, this Court is inclined to grant bail to the petitioners. Accordingly, each of petitioners is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.108 of 2022, and on such deposit, the petitioners are ordered to be released on bail on their executing a separate 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 **Judicial Magistrate Court Thiruvarur 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 petitioners shall stay at Tambaram and report before the Inspector of Police, Tambaram Police Station twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m., until further orders.

[c] each of the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.108 of 2022,



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before the concerned Magistrate, at time of execution of bond.

[d] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

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

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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate Court Thiruvarur District.
- 2.The Inspector of Police,
Kodarachery Police Station,
Thiruvarur District.
- 3.District Prison-Thiruvarur.
- 4.The Public Prosecutor,
High Court of Madras

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