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Crl.O.P.No.17505 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2022

CORAM

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

Crl.O.P.No.17505 of 2022

Murugan @ Balamurugan

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Ammamet Police Station,
Salem District.
Crime No.355 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail with the Crime No.355 of 2022 on
the file of the respondent police.

For Petitioner : Mr.C.Iyyaparaj

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.06.2022 for the offences punishable under Sections **294(b), 323, 307, 420 of IPC, 1860 and Section 7(3) of Lotteries Regulation Act, 1998** in Crime No. 355 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 27.06.2022, the petitioner illegally sold fake lottery tickets to the defacto complainant stating that he will get the result on the same day and since the defacto complainant did not get the result as stated by the petitioner, there was a quarrel between them, due to which, the petitioner abused and stabbed the defacto complainant with knife. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submitted that the petitioner has been suffering incarceration from 28.06.2022. Therefore, he prays to grant bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that, the petitioner is having five previous cases pending against him and also submitted that goondas proposal is pending 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 from the date of arrest ie., from 28.06.2022, this Court is inclined to grant bail to the petitioner.

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 blood related sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, V, Salem** 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



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their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police twice daily at 10.30.a.m., and 04.30.p.m for a period of four weeks and thereafter as and when required for interrogation;

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

[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. Judicial Magistrate, V,
Salem.
2. The Inspector of Police,
Ammamet Police Station,
Salem District.
3. Central Jail,
Salem.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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