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CrI.OP.No.17779 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2022

CORAM

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

CrI.OP.No.17779 of 2022

Arun @ Arun Bhosale

...Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Sooranmangalam Police Station,
Salem District.
(Cr.No.401 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with the
Cr.No.401/2022 pending investigation on the file of the respondent
police.

For Petitioner	: Mr.M.Elumalai.
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 21.06.2022 for the offences punishable under Sections 294(b)
and 307 of IPC in crime No.401 of 2022 on the file of the respondent



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police, seeks bail.

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2. The case of the prosecution is that petitioner is working under the *de-facto* complainant. On 21.06.2022, the petitioner came for work along with one Bala and there was wordy quarrel between them. So the *de-facto* complainant sent them from there. Subsequently, at about 2.00 p.m., the *de-facto* complainant went near Subramanya Nagar Junction, there the petitioner and the said Bala quarrelled with each other and during quarrel, the petitioner abused the said Bala in filthy language and assaulted him. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 21.06.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the injured was discharged from hospital. However, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. 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 No.II, Salem 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 petitioner shall report before the respondent police twice daily at 10.30 a.m. and 5.30 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]**.



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

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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.II,
Salem District.
- 2.The Inspector of Police,
Sooranmangalam Police Station,
Salem District.
- 3.Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras.

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