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CrI.OP.No.17851 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2022

CORAM

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

CrI.OP.No.17851 of 2022

Fransis @ Kalaiyarasan

...petitioner

Vs.

State Rep by:-

The Inspector of Police,  
T-6, Avadi Police Station,  
Crime Branch,  
Ambattur District Chennai – 54.  
(Crime No.456 of 2022)

..Respondent

**PRAYER:**

Criminal Original Petition is filed under Section 439 of Cr.P.C.  
praying to enlarge the petitioner to grant bail in connection with  
Cr.No.456 of 2022 pending investigation before the T-6 Avadi Police  
Station.

For Petitioner : Mr.R.Sankarasubbu

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

**ORDER**

The petitioner, who was surrendered and remanded to judicial  
custody on 03.06.2022 for the offences punishable under Sections 341



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and 302 of IPC in crime No.456 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, due to money dispute, this petitioner along with other accused persons attacked the *de-facto* complainant's son using iron rod causing grievous head injuries and the victim died on the spot. Hence, the complaint.

3. There are totally three accused. Even according to the case of the prosecution, the deceased borrowed a sum of Rs.20,000/- and thereby, refused to return the same. Therefore, all the accused persons waylaid the deceased, attacked with iron rod and he sustained grievous injuries. That apart, the petitioner surrendered and remanded to judicial custody on 03.06.2022.

4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., 03.06.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail



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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 **Judicial Magistrate Court - II, Poonamalle**, 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 stay at Ariyalur and report before the Inspector of Police, Ariyalur Town Police Station twice daily at 10.30 a.m. and 5.30 p.m. for a period of two weeks and thereafter report before the respondent police daily at 10.30 a.m., until further orders.**

[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 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-II,  
Poonamalle.
- 2.The Inspector of Police,  
T-6, Avadi Police Station,  
Crime Branch,  
Ambattur District Chennai – 54.
- 3.Central Prison, Puzhal,  
Chennai-66.
- 4.The Public Prosecutor,  
High Court of Madras

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