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CrI.O.P.No.18021 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2022

CORAM

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

CrI.O.P.No.18021 of 2022

Settu

...Petitioner

Vs.

The State rep by,
The Inspector of Police,
Sooramangalam Police Station,
Salem District.
Crime No.411 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.411 of 2022 on the
file of the Respondent Police.

For Petitioner	: Mr.W.Camyles Gandhi
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 under Sections 294(b) and 307 IPC in crime No.411 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, due to previous enmity, the petitioner had abused the defacto complainant in filthy language and also attacked him with knife, due to which, the defacto complainant sustained grievous injuries and admitted in the hospital. Hence, the case.

3. The learned counsel for the petitioner that the petitioner is an innocent person and he has been falsely implicated in this case. That apart, the petitioner has been suffering incarceration from 28.06.2022. Hence, he seeks for bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the



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injured victim has been discharged from the hospital on 14.07.2022.

However, he opposed to grant 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 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 sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate-II, 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 their Aadhar card or Bank pass Book to ensure their identity.

[b]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



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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.

10.08.2022

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To:

1. Judicial Magistrate -II,



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2. The Inspector of Police,
Sooramangalam Police Station,
Salem District.
3. Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras

G.K.ILANTHIRAIYAN, J.



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