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Crl.OP.No.19308 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2022

CORAM

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

Crl.OP.No.19308 of 2022

Santhosh

...Petitioner

Vs.

State rep. by
The Inspector of Police,
B-1, Sivakanchi Police Station,
Kancheepuram District.
(Crime No.501 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.501 of 2022 on the file of Respondent Police.

For Petitioner :Mr.R.Sasikumar
For Respondent :Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 09.06.2022 for the offences punishable under Sections 147,
148, 294(b), 302, 307, 323, 324 and 506(ii) of IPC r/w Section 4 of
Tamil Nadu Prohibition of Women Harassment Act in crime No.501 of



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2022 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that due to previous enmity, on 06.06.2022, when the *de-facto* complainant along with family members after completing their business, returned to their house and at that time, the petitioner along with others conspired together, used filthy languages and assaulted with screw driver on *de-facto* complainant's son's stomach and the same was prevented by the *de-facto* complainant. The *de-facto* complainant's son's sustained grievous injuries and died. Hence, the complaint.

3. Due to wordy quarrel between the petitioner and the neighbours, the occurrence took place. The petitioner was arrested and remanded to judicial custody on 09.06.2022.

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., 09.06.2022, 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 **learned Judicial Magistrate No.I, Kancheepuram**, 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.**



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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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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.I, Kancheepuram.
- 2.The Inspector of Police,
B-1, Sivakanchi Police Station,
Kancheepuram District.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras

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