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Crl.OP.No.19395 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2022

CORAM

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

Crl.O.P.No.19395 of 2022

Thengai Mani @ Rajasekar

...Petitioner

Vs.

State, Rep. by
The Inspector of Police,
Perambalur Police Station,
Perambalur,
Perambalur District.
Crime No.340 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.
340 of 2022 on the file of the Inspector of Police, Perambalur Police Station,
Perambalur District.

For Petitioner : Mr.D.Arun

For Respondent : Mr.A.Gopinath
Govt. Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.04.2022 for the offence under Sections 294(b), 323, 324, 506(ii) and 307 of IPC, in Crime No.340 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 along with other accused waylaid and attacked the defacto complainant with knife, due to which, the defacto complainant sustained injuries. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. That apart, the petitioner was arrested and remanded to judicial custody on 26.04.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner is an history sheeter in H.S.No.17 of 2021 having seven previous cases pending against him. Hence, he opposed to grant bail to the petitioner.



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5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner i.e., from 26.04.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, 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 Court No - I, Perambalur 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 stay at Chennai and report before the Egmore Town police station twice daily at 10.30.a.m., and 04.30.p.m., for a period of four 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.



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WEB COPY [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.

17.08.2022

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To

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



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G.K.ILANTHIRAIYAN, J.

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