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CrI.OP.No.19389 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2022

CORAM

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

CrI.OP.No.19389 of 2022

Kumaran

...Petitioner

Vs.

State Rep. by:
The Inspector of Police,
M-6, Manali Police Station,
Manali, Chennai.
(Crime No.315 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.315 of 2022 on the
file of the respondent.

For Petitioner

:Mrs. M.Prema Sudha

For Respondent

:Mr.A.Gopinath
Govt. Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.07.2022 for the offences punishable under Sections 341, 294(B), 307 IPC in crime No.315 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had illicit intimacy with the defacto complainant's wife. Due to which, there was a wordy quarrel between the petitioner and the defacto complainant, on 29.07.2022, the petitioner had attacked the defacto complainant with stones. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of bail to the petitioner.

3. The learned Government Advocate (Criminal Side) submitted that the injured victim has been discharged from the hospital on 01.08.2022. However, he opposed for granting bail to the petitioner.



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4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of arrest i.e., 29.07.2022, this Court is inclined to grant bail to the petitioner.

5. 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 at Thiruvottiyur** 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.



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[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.

17.08.2022

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To

1. The Judicial Magistrate,
Thiruvottiyur.
2. The Inspector of Police,
M-6, Manali Police Station,
Manali, Chennai.
3. Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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