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Crl.OP.No.19815 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2022

CORAM

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

Crl.OP.No.19815 of 2022

Rajesh

...Petitioner

Vs.

State Rep. by The Inspector of Police,
Alangayam Police Station,
Tirupattur District.

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.109/2022 pending investigation on the file of the respondent.

For Petitioner :Mr.E.Kannadasan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.07.2022 for the offences punishable under Sections **294(b), 341, 326(B) and 506(ii) of IPC** in Crime No.109 of 2022 on the file of the respondent police, seek bail.



Crl.OP.No.19815 of 2022

WEB COPY

2. The case of the prosecution is that due to matrimonial dispute, the petitioner along with other accused waylaid the *de-facto* complainant, who is the wife of the petitioner herein and threatened her with a knife, abused her in filthy language and also poured a liquid on her. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that petitioner along with other accused waylaid the *de-facto* complainant and assaulted her. The injured has been discharged from the hospital on 30.07.2022. He further submitted that there is no previous case pending as against the petitioner. However, he vehemently opposed for granting bail to the petitioner.



CrI.OP.No.19815 of 2022

WEB COPY

5. 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., 28.07.2022, this Court is inclined to grant bail to the petitioner. 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 J.M. No.II, Tirupattur**, 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.**



CrI.OP.No.19815 of 2022

State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

23.08.2022

mpl



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CrI.OP.No.19815 of 2022

G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The J.M. No.II,
Tirupattur.
- 2.The Inspector of Police,
Alangayam Police Station,
Tirupattur District.
- 3.Sub Jail, Tirupattur.
- 4.The Public Prosecutor,
High Court of Madras

CrI.O.P.No.19815 of 2022

23.08.2022