



Crl.OP.No.21147 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

CORAM

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

Crl.OP.No.21147 of 2022

Thangarasu

...Petitioner

Vs.

State represented by
The Inspector of Police,
Komarapalayam Police Station,
Namakkal District.
(Crime No.291 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with a case in Crime No. 291 of 2022 pending investigation on the file of the respondent police.

For Petitioner :Mr.R.Marudhachalamurthy

For Respondent :Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.08.2022 for the offences punishable under Sections **294(b), 323, 324 & 506(ii) of IPC** in crime No.291 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that, due to civil dispute, the petitioner along with others had attacked the defacto complainant with deadly weapon, due to which, the defacto complainant sustained grievous injuries and admitted in the hospital. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the injured person in this case had been discharged from the hospital. However, he opposed for grant of bail to the petitioner.



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5. 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., 16.08.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing separate 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, Komarapalayam** 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. Judicial Magistrate,
Komarapalayam
2. Inspector of Police,
Komarapalayam Police Station,
Namakkal District.
3. Sub Jail,
Tiruchengode.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.
Sma

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