



WEB COPY



Crl.O.P.No.23244 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.23244 of 2022

Gughan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Perugavazhathan Police Station,
Thiruvarur District.
Crime No.119 of 2019

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.119 of 2019 on the file
of the Inspector of Police, Perugavazhathan Police Station, Thiruvarur
District.

For Petitioner : Mr.Swamisubramanian

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



Crl.O.P.No.23244 of 2022

whereas, the petitioner was arrested on 29.07.2022 and the petitioner is in custody for more than a month. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner along with the other accused on 15.09.2019, had assaulted the defacto complainant's employee one Asaithambi and also detained him illegally. He would also submit that the investigation has been completed and the case is now pending before the learned Judicial Magistrate-II, Mannargudi, Thiruvarur District in P.R.C.No.30 of 2021. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and the period of



Crl.O.P.No.23244 of 2022

incarceration suffered by the petitioner and also the fact that the investigation has been completed and the case is pending in P.R.C.No.30 of 2021 on the file of the learned Judicial Magistrate-II, Mannargudi, Thiruvarur District, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Mannargudi, Thiruvarur 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 report before the Judicial Magistrate-II, Mannargudi, Thiruvarur District 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



CrI.O.P.No.23244 of 2022

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.

23.09.2022

rgi

To

5/7



CrI.O.P.No.23244 of 2022

WEB COPY

1. The Judicial Magistrate-II, Mannargudi, Thiruvarur District
2. The Inspector of Police,
Perugavazhathan Police Station,
Thiruvarur District.
3. The Superintendent,
Central Prison,
Tiruchirapalli.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.

rgi



WEB COPY



Crl.O.P.No.23244 of 2022

Crl.O.P.No.23244 of 2022

23.09.2022