



Crl.O.P.No.26430 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

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

Crl.O.P.No.26430 of 2022

Rajadurai

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Erumapatty Police Station,
Namakkal District.

(Crime No.267/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.267
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Prabakar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.09.2022 for the offences punishable under Sections 294 (b) & 307 IPC, in Crime No.267 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to the money dispute, there was a quarrel between the de-facto complainant and the accused, during which, the accused has abused the de-facto complainant and stabbed him with knife in his abdomen and he has been taken to the hospital. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he would also submit that the incident has happened in a sudden provocation. He would further submit that the injured has been discharged from the hospital. He would also state that the petitioner is in custody from 20.09.2022 and he is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to the financial dispute the petitioner had inflicted injuries on the de-facto complainant by stabbing him with knife. He would further submit that the injured has been treated as in-patient and discharged from the hospital on 29.09.2022. He would also submit there is a previous case pending as against the petitioner and he oppose for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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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 Court, Sendamangalam**, 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 Virudhunagar and report before the Inspector of Police, Virudhunagar Town Police Station, every day at 10.30a.m., and 5.30 p.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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



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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;

01.11.2022

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To

1. The Judicial Magistrate Court,
Sendamangalam.
2. The Inspector of Police,
Erumapatty Police Station,
Namakkal District.
3. The Central Prison,
Salem.
4. The Inspector of Police,
Virudhunagar Town Police Station,
Virudhunagar District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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