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Crl.OP.No.26889 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

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

Crl.OP.No.26889 of 2022

Mugunthan @ Eli Murugan

..Petitioner

Vs.

The State Rep by,
The Inspector of Police,
Siva Kanchi Police Station,
Kanchipuram.
(Crime No.663/2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with Crime
No.663/2022 on the file of respondent police.

For Petitioner : Mr.D.Vithagavendhan

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 12.10.2022 for the offences punishable under Sections 294(b), 323, 395, 397 and 506(ii) of IPC in Crime No.663 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant is that, he is running a hotel and with regard to the quantity supplied, the petitioner had quarrelled with the defacto complainant and assaulted him and also taken away a sum of Rs.7,000/- from the cash box. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner had gone to the defacto complainant's hotel and purchased some food, thereafter there was a quarrel with regard to the quantity of the food supplied. On retaliation, the defacto complainant had lodged a false complaint, as if the petitioner had robbed a sum of Rs.7,000/-. He would further submit that the petitioner is in custody from 12.10.2022. Hence, he seeks 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 the defacto complainant is running a hotel and with regard to the quantity of food supplied, the petitioner had quarrelled with the defacto complainant and assaulted him and also taken away a sum of Rs.7,000/- from the cash box. He would further submit that the stolen amount has been recovered and there is no previous case pending against the petitioner. However, he opposed to grant bail to the petitioner.

5. Heard the learned counsels and also perused the materials available on record.

6. Taking into consideration the facts and submissions and the period of incarceration of the petitioner from the date of his arrest and also considering that stolen amount has been recovered and there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner.



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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 No.I, Kanchipuram** 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 05.30.p.m.,** for a period of two weeks and thereafter on every Saturday 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 or witness either during investigation or trial.



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[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.

04.11.2022

Sma

To

- 1.The Judicial Magistrate No.I,
kanchipuram.
- 2.The Inspector of Police,
Siva Kanchi Police Station,
Kanchipuram.
- 3.Sub Jail, Kanchipuram.
- 4.The Public Prosecutor,
High Court of Madras



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A.D.JAGADISH CHANDIRA, J.

Sma

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