



Crl.O.P.No.28423 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

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

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... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Fairlands Police Station,
Salem District.

(Crime No.742/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with Crime No.742 of
2022 on the file of the respondent Police.

For Petitioner : Mr.P.Ezhil Nilavan
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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was registered against one Boopathy and Periyasamy, who are the friends of the *de-facto* complainant and only as a counter blast, the present complaint has been given against the petitioner and others. He further submitted that the petitioner is in custody from 04.11.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that on account of the financial dispute the main accused along with his henchmen had abducted the *de-facto* complainant and another in a car and assaulted them, meanwhile, the *de-facto* complainant has escaped from them and had given this present complaint. He further submitted that the investigation is pending and he opposed to grant bail to the petitioner.

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



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6. Taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, 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 No.V, Salem 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 respondent Police, everyday at 10.30 a.m. and 5.30p.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;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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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.

23.11.2022

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To

1. The Judicial Magistrate No.V,
Salem District.
2. The Inspector of Police,
Fairlands Police Station,
Salem District.
3. The Central Prison,
Salem District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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