



Crl.O.P.No.28724 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**

Crl.O.P.No.28724 of 2022

Chinnaraji @ Chinnarasu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kandhikuppam Police Station,
Krishnagiri District.

(Crime No.234/2022).

... 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.234 of
2022 on the file of the respondent Police.

For Petitioner : Mr.P.M.Jayachandran

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 30.10.2022, for the offences punishable under Sections 294(b), 307 IPC, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 29.10.2022, due to the property dispute, the accused has abused the *de-facto* complainant's mother in a filthy language and by assaulting her with koduval attempted to commit murder of her, due to which, she sustained severe injuries and admitted in the hospital. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to the existing property dispute, a false complaint has been given against him. He further submitted that the petitioner is in custody from 30.10.2022 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



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respondent police submitted that the petitioner, due to the property dispute, abused the *de-facto* complainant's mother in a filthy language and assaulted her with deadly weapon, due to which, she sustained grievous injuries. He further submitted that the injured was treated as in-patient and discharged on 02.11.2022. He also stated that there is no previous case as against the petitioner, however, 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.

6. Taking into consideration the facts and circumstances of the case and taking note of the fact that the injured has been discharged from the hospital 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



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the learned Judicial Magistrate No.I, Krishnagiri 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 stay at Salem and report before the Inspector of Police, Fairlands Police Station, 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 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]**;



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[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.I,
Krishnagiri District.
2. The Inspector of Police,
Kandhikuppam Police Station,
Krishnagiri District.
3. The Sub Jail,
Krishnagiri District.
4. The Inspector of Police,
Fairlands Police Station,
Salem District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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