



Crl.O.P.No.3321 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.02.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.3321 of 2023

Saravanan @ Esai Saravanan,
S/o.Sundaramoorthy

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Chidambaram Town Police Station,
Cuddalore Dt.
(Crime No.43 of 2023)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.43 of 2023 pending on the file of respondent police.

For Petitioner : Mr.R.Silambarasan

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)



CrI.O.P.No.3321 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.01.2023 for the alleged offence under Sections 294(b), 506(2) and 307 of I.P.C. in Crime No.43 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the defacto complainant bought a lottery ticket from the petitioner and when he questioned him the price of lottery ticket did not fall, so, the petitioner said to have assaulted and threatened him. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and due to previous enmity, he has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would further submit



Crl.O.P.No.3321 of 2023

that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 15 days from 29.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that there are 4 previous cases pending against him. He would submit that on the date of occurrence, when the defacto questioned the petitioner about the price of lottery ticket, which did not fall, hence, he assaulted and threatened him. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:



Crl.O.P.No.3321 of 2023

WEB COPY

6. Accordingly, the petitioner is **directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) as non-refundable deposit into the credit of the Vallalar Sathyagnana Sabai, Vadalur** and on such deposit, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Chidambaram**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 on alternative days at 10.30 a.m. for the period of two months;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;



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CrI.O.P.No.3321 of 2023

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

14.02.2023

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To

1. The Judicial Magistrate No.II,
Chidambaram.
2. Inspector of Police, Chidambaram Town Police Station,
Cuddalore Dt.
3. The Superintendent of Prison,
Sub-Jail, Chidambaram.
4. The Public Prosecutor, High Court of Madras, Chennai.



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Crl.O.P.No.3321 of 2023

T.V. THAMILSELVI, J.

rpp

Crl.O.P.No. 3321 of 2023

14.02.2023