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Crl.O.P.No.3767 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

CORAM

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

Crl.O.P.No.3767 of 2023

A.Sasikumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sembanarkoil Police Station,
Mayiladuthurai, Tamil Nadu.

(Crime No.55 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.55
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.MGS Rajarajan
for RRN Legal
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 02.02.2023, for the alleged offence punishable under Sections 294(b), 307, 386 of IPC and Section 25(1C) of Arms Act, 1959, in Crime No.55 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Kumar, is that on 01.02.2023, the accused had demanded money from him and when he refused to give the same, the accused had abused the de-facto complainant in a filthy language and attempted to assault him with Aruval and also taken a sum of Rs.700/- from him. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been false implicated in this case, since he has got some previous cases. He further submitted that the petitioner is no way connected with the alleged offence and the present case has been registered only in order to keep him in continued detention. He also submitted he is in custody from 02.02.2023. Hence, he prayed to grant bail to the petitioner.



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

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Munsif cum Judicial Magistrate, Tharangampadi**, 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 Nagercoil and report before the Inspector of Police, Kottar Police Station, everyday at 10.30 a.m. and 5.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

24.03.2023

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To

1. The Munsif cum Judicial Magistrate Court,
Tharangampadi.
2. The Inspector of Police,
Sembanarkoil Police Station,
Mayiladuthurai.
3. Tharangampadi Sub Jail,
Mayiladuthurai.
4. The Inspector of Police,
Kottar Police Station,
Nagercoil.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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