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CrI.O.P.No.5401 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

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

CrI.O.P.No.5401 of 2023

V.Ezhilarasan @ Ezhil

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kottakuppam Police Station,
Vanoor.

(Crime No.56 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in connection with the Crime No.56
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.V.Sairam

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.02.2023, for the alleged offence punishable under Section 307 of IPC, in Crime No.56 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Mohamadhu Nasar, who is running a General Stores, is that on 02.02.2023, when he questioned the accused for not giving money for the things that they have purchased in his shop, they have threatened him and attempted to assault him with knife. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that earlier, the petitioner was involved in a case registered by the very same respondent for the offence under Section 302 IPC and he was acquitted in the said case on 24.11.2022, and immediately after



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his acquittal, the present case has been foisted by the respondent against him to keep him in strings. He further submitted that the similarly placed co-accused have been granted bail and he is ready to abide by any stringent conditions that may be imposed by this Court. He also stated that the petitioner is in custody from 05.02.2023, hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner along with other accused have attempted to assault the de-facto complainant with knife, when he asked money for the things they have purchased in his shop and refused to pay rowdy mammul. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also considering the fact that the co-accused have been granted bail, this Court is



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inclined to grant bail to the petitioner with certain conditions.

7. 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 Judicial Magistrate, Vanoor**, 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 appear before the learned Judicial Magistrate, Vanoor, on all working days 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;

[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



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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.

07.03.2023

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To

1. The Judicial Magistrate,
Vanoor.
2. The Inspector of Police,
Kottakuppam Police Station,
Vanoor.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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