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CrI.O.P.No.5867 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

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

CrI.O.P.No.5867 of 2023

Kannan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Annadhanapatty Police Station,
Salem City.

(Crime No.83 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.83
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER



Crl.O.P.No.5867 of 2023

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 05.02.2023 for the offences under Section 341, 294(b) and 307 of IPC, in Crime No.83 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant/ Pawankumar Yadav, is that while the petitioner and the defacto complainant were consuming liquor in a tasmac shop, there was a quarrel, during which time, the petitioner along with other accused have abused the defacto complainant in a filthy language and also assaulted him with stones and sticks and caused injuries. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and the incident had happened only during the quarrel in a bar. He further submitted that the injured has been discharged from the hospital and no weapon was used in the incident. He also submitted that the petitioner has no previous case against him and he is in judicial custody from 05.02.2023. Hence, he prayed for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the



Crl.O.P.No.5867 of 2023

respondent police submitted that the petitioner and the defacto complainant were drinking in a nearby wine shop, there was a quarrel, during the quarrel, the petitioner along with other accused have abused and assaulted the defacto complainant with stones and sticks, resulting in him sustaining injuries. He further submitted that the injured has been discharged from the hospital. However, he opposed for grant of 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 either side of the parties and the period of incarceration undergone by the petitioner, this Court is 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 No.IV, Salem** and on further conditions that:



CrI.O.P.No.5867 of 2023

[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 6.30 p.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]*;

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

14.03.2023

vkrr

To



Crl.O.P.No.5867 of 2023

WEB COPY

1. The Judicial Magistrate No.IV,
Salem.
- 2.The Inspector of Police,
Annadhanapatty Police Station,
Salem City.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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Crl.O.P.No.5867 of 2023

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Crl.O.P.No.5867 of 2023

14.03.2023