



CrI.O.P.No.6094 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

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

CrI.O.P.No.6094 of 2023

G.Varun

.. Petitioner

Vs.

The State represented by,
The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.

(Crime No.41 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.41
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Saranraj

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 24.01.2023 for the offences under Sections 294(b) and 307 of IPC, in Crime No.41 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Ajith, who is the friend of the victim is that he along with the victim and the petitioner are working together in R.K.Briyani Centre. On 23.01.2023, they were drinking together, there was a quarrel, the petitioner in an inebriated condition abused and assaulted the victim with iron spoon, due to which, the victim sustained grievous injuries. Hence, the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to previous enmity, a false complaint has been given against him. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and he is in custody from 24.01.2023. Hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the



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respondent police submitted that the petitioner in an inebriated condition, abused the victim who is the colleague of the defacto complainant and assaulted him with iron spoon, resulting in him sustaining injuries. He further submitted that the injured has been discharged from the hospital. However, he opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioners 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 and also taking note of the fact that the injured has been discharged from the hospital, 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, Kumarapalayam** and on further conditions that:



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[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, daily 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 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.

16.03.2023

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To

- 1.The Judicial Magistrate,
Kumarapalayam.
- 2.The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
- 3.The Central Prison,
Salem District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

vkr

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