



Crl.O.P.No.6794 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

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

Crl.O.P.No.6794 of 2023

Kalam @ Safiq

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Gengavali Police Station,
Salem District.

(Crime No.68 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.68 of 2023, pending on the file of respondent Police.

For Petitioner : Mr.S.Ambigapathi

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 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii), 283 of IPC r/w Section 3(1) of TNPPDL Act in Crime No.68 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant/Ramesh is that due to a dispute between the defacto complainant's friend one Subramani and A1, A1 along with other accused have abused the said Subramani and also assaulted him, due to which, he sustained injuries. The further allegation is that during the fight, the accused have damaged the car belonging to the defacto complainant and the damage was valued about Rs.2,00,000/-. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the friend of A1. He would further submit the petitioner is in judicial custody from 08.03.2023 and hence, he prays for grant of bail to the petitioner.



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4.The learned Government Advocate (crl.side) for the respondent submitted that the petitioner along with 10 other accused have caused damage to the car of the defacto complainant and the damage of the car was estimated to the tune of Rs.2 lakhs. Hence, he opposed for grant of bail to the petitioner.

5.At this juncture, the learned counsel for the petitioner would submit that without prejudice to his defence, the petitioner is ready and willing to deposit a sum of Rs.15,000/- to the credit of Crime No.68 of 2023 and hence, he prays for grant of bail to the petitioner.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) and perused the materials available on record.

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



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8. Accordingly, **the petitioner is directed to deposit a sum of Rs.15,000/- to the credit of Crime No.68 of 2023**, without prejudice to his rights and contentions before the trial Court and on such deposit, 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Attur**, 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 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



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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.

27.03.2023

vk

To

1. The Judicial Magistrate No.II,
Attur.
2. The Inspector of Police,
Gengavali Police Station,
Salem District.
3. The Sub Jail,
Attur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Vkr

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