



CrI.O.P.No.7149 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM

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

CrI.O.P.No.7149 of 2023

Mohan @ Mohan Kumar

... petitioner

Vs.

The State represented by,
The Inspector of Police,
Thally Police Station,
Krishnagiri District.
(Crime No.40 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.40 of 2023, pending on the file of the respondent police.

For petitioner : Mr.R.Radha Pandian

For Respondent : Mr.C.E.Pratap
Government Advocte (crl.side)



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CrI.O.P.No.7149 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.02.2023 for the offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC @ Sections 294(b), 323, 307 of IPC in Crime No.40 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that a wordy quarrel during the temple festival, the petitioner along with other accused have abused the defacto complainant and assaulted him with knife and wooden log, due to which, he sustained grievous injuries. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, a false complaint has been given against him. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and he is in judicial custody from 21.02.2023. Hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.7149 of 2023

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that during the temple festival, there was a quarrel between the petitioner and other accused and the defacto complainant, during the quarrel, the petitioner along with other accused abused and assaulted him with knife and wooden log. He would further submit 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 Government Advocate (crl.side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the period of incarceration suffered 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)**



CrI.O.P.No.7149 of 2023

with **two sureties**, for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Denkanikottai** 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 Salem and report before the Inspector of Police, Fairlands Police Station, 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]***;



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CrI.O.P.No.7149 of 2023

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

30.03.2023

vkrr

To

- 1.The District Munsif cum Judicial Magistrate,
Denkanikottai.
- 2.The Inspector of Police,
Thally Police Station,
Krishnagiri District.
- 3.The Inspector of Police,
Fairlands Police Station,
Salem.
- 4.The Sub Jail,
Hosur.
- 5.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.7149 of 2023

A.D.JAGADISH CHANDIRA.,J.

Vkr

Crl.O.P.No.7149 of 2023

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