



CrI.OP.No.9706 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.9706 of 2023

Kannan

... Petitioner/ A2

Vs.

State Rep by
The Inspector of Police,
Velipalayam Police Station,
Nagapattinam District
Crime No.139 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in crime No.139 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.03.2023 for the offence punishable under Sections 294(b), 323, 324, 506(ii), 307 of IPC in Crime No.139 of 2023 on the file of the respondent police, seek bail

2. The case of the prosecution is that due to previous enmity over a civil dispute, on the date of occurrence, the petitioner along with another assaulted the defacto complainant and caused injuries. 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. Hence, he prays for grant of bail to the petitioner.

4. The Additional Public Prosecutor appearing for the respondent police would submit that the injured has been discharged from the hospital. However, he opposed to grant bail to the petitioner.



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5. Considering the facts and circumstances of the case and also the period of incarceration by the petitioner from 30.03.2023, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall pay Rs.10,000/- (Rupees Ten Thousand only) directly to the victim and on producing the acknowledgment for payment of Rs.10,000/-, 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 blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Nagapattinam 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 pay Rs.10,000/- (Rupees Ten Thousand only) directly to the victim and the acknowledgment for the same shall be produced before the Magistrate while executing bond.

[c] the petitioner shall stay at Melmaruvathur and report before the Inspector of Police, Melmaruvathur Police Station, Melmaruvathur



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daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of two weeks and thereafter report before the respondent police as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

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

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G.K.ILANTHIRAIYAN, J.

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To

1.The learned Judicial Magistrate No.II,
Nagapattinam

2.The Inspector of Police,
Velipalayam Police Station,
Nagapattinam District

3.District Jail,
Nagapattinam

4.The Public Prosecutor,
High Court of Madras,
Chennai

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