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Crl.OP.No.10144 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

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

Crl.O.P.No.10144 of 2023

Prabakaran

..Petitioner

Vs.

The State Represented by
The Sub Inspector of Police,
Pothatturpet Police Station,
Pothatturpet,
Tiruvallur District.

(Crime No.204 of 2023)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.204 of 2023 pending on
the file of the respondent.

For Petitioner

: Mr.B.Jawahar

For Respondent

: Mr.A.Damodaran

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on
18.04.2023 for the offence punishable under Sections 341, 294(b), 323, 506(ii)
of IPC read with Section 3 of TNPPDL Act, in Crime No.204 of 2023 on the
file of the respondent police, seeks bail.



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2. The case of the prosecution is that, petitioner waylaid the defacto complainant and abused him in filthy language, assaulted and damaged the mirror of the car worth about Rs.8,000/-. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he is no way connected with the offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that, petitioner waylaid the defacto complainant and abused him in filthy language, assaulted and damaged the mirror of the car worth about Rs.8,000/-. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, 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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6. Accordingly, **the petitioner shall pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only), directly to the defacto complainant.** On such production of acknowledgement for the same, 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 District Munsif Cum Judicial Magistrate, Pallipattu 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., and 05.00 p.m, for a period of two weeks and thereafter as and when required for interrogation.

[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



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

05.05.2023

Sma

To

1. District Munsif Cum Judicial Magistrate, Pallipattu.
2. The Sub Inspector of Police,
Pothatturpet Police Station,
Pothatturpet,
Tiruvallur District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

Sma

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