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CrI.OP.No.10420 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.10420 of 2023

Subash

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai.
Crime No.126 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C praying to enlarge the petitioner/accused on bail in C.C.No.129 of 2023 pending trial on the file of Judicial Magistrate No.II, Tiruvannamalai.

For Petitioner : Mr.S.Thankira

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.03.2023 for the offence punishable under Section 170, 294(b), 323, 385, 420 read with Section 511, 506(i) of IPC, in Crime No.126 of 2023 on the file of the respondent police, seeks bail

2. The case of the prosecution is that the defacto complainant's wife is working as Assistant Engineer in Tamil Nadu Electricity Board, Virukambakkam, Chennai. The petitioner impersonated as an IAS Officer to the defacto complainant and gave assurance that he will transfer his wife from Chennai to Tiruvannamalai and for which, he demanded some amount. In the mean time, the defacto complainant's wife was transferred to Tiruvannamali legally. Thereafter, the petitioner abused the defacto complainant and attacked with hands and also threatened him with dire consequence. Hence, the case.



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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. He further submitted that the petitioner is ready to abide any stringent conditions imposed by this Court. He would further submit that the petitioner has been suffering incarceration from 01.03.2023. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the wife of the defacto complainant is working as Assistant Engineer in Tamil Nadu Electricity Board, Virukambakkam, Chennai and for her transfer, the petitioner demanded certain amount. But, the defacto complainant failed to do so, hence, the petitioner abused and attacked him with hands. Hence, he vehemently opposed to grant bail to the petitioner.

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



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6. 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 No.II, Tiruvannamalai** 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.am 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.



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

05.05.2023

nr/gbi



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G.K.ILANTHIRAIYAN, J.

nr/gbi

To

- 1.The Judicial Magistrate No.II,
Tiruvannamalai.
2. The The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai.
3. The Central Prison,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai

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05.05.2023