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Crl.O.P.No.11519 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HON'BLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11519 of 2023

Raja

... Petitioner

Vs.

State by

The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram.

(Crime No.241 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime No.241
of 2023, on the file of the respondent Police.

For Petitioner : Mr.D.Ashok Kumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 10.04.2023, for the offences punishable under Sections 294(B), 323, 324
and 307 of IPC in Crime No.241 of 2023, on the file of the respondent police,
seeks bail.



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2. The case of the prosecution is that on the influence of the defacto complainant, the petitioner joined as Cook in China in the year 2019. Due to Covid Pandemic, he returned to his native. When the petitioner asked about the pending salary for two months, there was a wordy quarrel between them, as a result, the petitioner attacked the defacto complainant with hammer on his head, thereby he fell down. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in custody from 10.04.2023. Hence, he prays for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the injured has been discharged from the hospital. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case, the injured has been discharged from the hospital and also taking note of the fact that the petitioner is in incarceration for the past 67 days and three witnesses have been



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examined, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to donate a sum of **Rs.5000/-** (Rupees Five Thousand only) as non refundable deposit to the credit of the **Dhanabakkiammal Social Welfare Trust, D-3, 1/338, Vasantham Apartment, Sabari Salai, Madipakkam, Chennai – 91, A/c No : 921010003441816; IFSC code : UTIB0000083; Mobile No.98408 94264 ;** and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Villupuram** 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, everyday at 10.30 a.m until further orders;



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[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];***

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

18.05.2023

Lpp/mn

To



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1. The Judicial Magistrate No.II,
Villupuram.
2. The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram.
3. The District Jail, Villupuram.
4. The Public Prosecutor,
High Court of Madras.

A.A.NAKKIRAN.,J.



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