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CrI.O.P.No.11448 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

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

CrI.O.P.No.11448 of 2023

Deepak

... Petitioner

Vs.

State by
The Inspector of Police,
Latheri Police Station,
Vellore District.
(Crime No.57 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime No.57 of
2023, on the file of the respondent Police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 26.04.2023, for the offences punishable under Sections 294(b), 324, 506(ii)
and 307 of IPC in Crime No.57 of 2023, on the file of the respondent police,
seeks bail.



2. The case of the prosecution is that due to previous enmity, there arose a wordy quarrel between the petitioner and the defacto complainant, as a result, the petitioner attacked the defacto complainant with knife and caused injuries to him. 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 26.04.2023. 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 period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



CrI.O.P.No.11448 of 2023

7. 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 **Sevalaya, No.F2, Pushkarani Apartment, 12, Ananda Road, Alwarpet, Chennai – 600 018 A/c No : 218601000134; IFSC code : ICIC0002186: Mobile No.9941450444** ; 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, Katpadi** 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 10.00 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,



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CrI.O.P.No.11448 of 2023

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

1. The Judicial Magistrate, Katpadi.
2. The Inspector of Police,
Latheri Police Station,
Vellore District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.

A.A.NAKKIRAN.,J.



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