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Crl.OP.No.11960 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11960 of 2023

Imthiyas

... Petitioner

Vs.

State by
The Inspector of Police
Kitchipalayam Police Station
Salem
(Crime No.126 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.126 of 2023 pending
investigation on the file of the respondent.

For Petitioner : M/s.S.Sengkodi

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 03.05.2023 for the offences punishable under Sections **147, 148, 341, 294(b) and 307 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 on 02.05.2023 at about 11.30 p.m., the defacto complainant and his friend Santhosh were dancing in Samayapurathal Mariyamman Temple Festival during which, there was a wordy quarrel between the defacto complainant and the accused persons. Thereafter, on 03.05.2023 at about 2.15 p.m., when the defacto complainant and his friend Santhosh were proceeding near Kadambur Muniyappan Temple, the petitioner along with 4 other accused, waylaid them and abused in filthy language and also attacked them with knife and beer bottle. 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. He would further submit that the Petitioner has been suffering



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incarceration from 03.05.2023. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the Petitioner stating that there are 5 accused in this case and the Petitioner is arrayed as A3 and there are 5 previous cases against him.

5. Heard the learned counsel for the Petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances and also considering the period of incarceration suffered by the Petitioner, this Court is inclined to grant bail to the Petitioner with certain conditions:



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7. 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-II, Salem** and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) **the Petitioner shall stay at Chennai and report before the Inspector of Police, Flower Bazaar Police Station, everyday at 10.00 a.m., until further orders. The petitioner shall not leave the jurisdictional limits of Chennai without the permission of the Inspector of Police, Flower Bazaar Police Station, Chennai.**

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;



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(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

25.05.2023

Ksa-2/Ssi

To

1. The Judicial Magistrate-II, Salem
2. The Inspector of Police
Kitchipalayam Police Station, Salem
3. The Inspector of Police
Flower Bazaar Police Station, Chennai
4. Central Prison, Salem
5. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

Ksa-2/Ssi

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