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CrI.O.P.No.13099 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.13099 of 2023

Nithya Raja Velan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Namagiripet Police Station,
Namakkal District.

(Crime No.78 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioner in Crime No.78 of 2023 pending
investigation on the file of respondent Police.

For Petitioner : Mr.D.Nagesh Babu

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.04.2023, for the offence punishable under Sections 307 of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in connection with Crime No.78 of 2023, registered on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant/Nallammal, aged about 85 years, is that the accused, in an inebriated condition, had demanded money from her for consuming liquor and when she refused to give money, the accused had brutally assaulted her with hands and also kicked her all over the body, due to which, she sustained grievous injuries. Hence the case.

3. Learned Counsel 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 the neighbour of the de-facto



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complainant and since the de-facto complainant had abused the petitioner, there was a scuffle between them and the petitioner had no intention or motive to assault the de-facto complainant. He also submitted that the petitioner is in custody from 04.04.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, in an inebriated condition, had demanded money from the de-facto complainant and when she refused to give the money as demanded by him, he had assaulted her with his hands and legs, due to which, she sustained injuries. He further submitted that the injured has been discharged from the hospital, however, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

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, Rasipuram, Namakkal District**, 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 stay at Chennai and report before the Inspector of Police, C1, Flower Bazaar Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence



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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.

13.06.2023

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To

1. The Judicial Magistrate,
Rasipuram, Namakkal District.
2. The Inspector of Police,
Namagiripet Police Station,
Namakkal District.
3. The Sub Jail,
Rasipuram, Namakkal District.
4. The Inspector of Police,
C1, Flower Bazaar Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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