



Crl.O.P.No.14017 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

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

Crl.O.P.No.14017 of 2023

Rajesh @ Kulabi

... Petitioner

Vs.

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

Crime No.205 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.205 of 2023, pending
investigation on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.05.2023, for the offences punishable under Sections 294(b), 307 & 506(ii) of IPC, in Crime No.205 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant/ Sakthi is that due to the existing money dispute, the accused had abused and attempted to commit murder of the de-facto complainant by assaulting him with beer bottle. 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 due to the money dispute, the *de facto* complainant had given a false complaint as against the petitioner. He further submitted that the petitioner is in custody from 25.05.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to the money dispute, the petitioner had abused and assaulted the de-facto complainant with beer bottle, due to which, he sustained grievous injuries. He further submitted that the investigation in this case is still pending and the injured has been discharged from the hospital on 28.05.2023. He also submitted that as far as this petitioner is concerned, he is a habitual offender, against whom, 8 previous cases are pending. Hence, he 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 materials available on records.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, the period of incarceration undergone by the petitioner and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant of bail to the petitioner with certain conditions.



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, Sendamangalam** 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 Ponneri and report before the Inspector of Police, Ponneri 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 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 petitioners 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]*;



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

23.06.2023

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To

1. The Judicial Magistrate,
Sendamangalam.
2. The Inspector of Police
Erumapatty Police Station,
Namakkal District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Ponneri Police Station,
Ponneri.



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A.D.JAGADISH CHANDIRA,J.,

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