



Crl.OP.No.15347 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.15347 of 2023

Harinath

..Petitioner

Vs.

The State Rep by
The Inspector of Police,
Ayyanavaram Police Station,
Chennai – 600 023.

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in the case in Crime No.136 of
2023 on the file of respondent Police.

For Petitioner : Mr.J.Ravikumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 18.04.2023 for the offences punishable under Sections 341, 294 (b), 336, 427, 397, 506 (ii) I.P.C. in Crime No.136 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is B.E. And M.B.A. graduate. In connection with the partition dispute, petitioner's father had given a false complaint against the petitioner and a case in Crime No.136 of 2023 was registered for the offences under Section 341, 294 (b), 336, 427, 397, 506 (ii) I.P.C. On the basis of this complaint petitioner was detained under Goondas Act and that order was revoked by the Government in G.O.Rt.No.3359 dated 22.06.2023. Petitioner is in judicial custody from 18.04.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Government Advocate (Criminal Side) submitted that petitioner has two previous cases pending against him.

4.Considered the rival submissions and perused the records.



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5. Considering the fact that petitioner is B.E. and M.B.A. graduate and that the detention of petitioner under Goondas Act on the basis First Information Report in Cr.No.136 of 2023 is set aside and that he is in judicial custody from 18.04.2023, this Court is inclined to grant bail to the petitioner.

6. Accordingly, 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 District Session Judge, Chennai**, 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 daily at 10.30.a.m., until further orders.

[c] the petitioner shall not abscond either during



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.District and Sessions Judge, Chennai.
- 2.The Inspector of Police,
Ayyanavaram Police Station,
Chennai – 600 023.
- 3.Puzhal Prison.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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