



Crl.O.P.No.15796 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

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

Crl.O.P.No.15796 of 2023

Arumugam

...Petitioner

Vs.

The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
Crime No.349 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.349 of 2023 on the file of the respondent police.

For Petitioner : Mr.S.Saravana Kumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.06.2023 for the offences punishable under Sections 294(b), 323, 324, 341 and 506(ii) IPC, altered into Sections 294(b), 323, 324, 341, 506(ii) and 307 IPC in Crime No.349 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.349 of 2023 for the offences under Sections 294(b), 323, 324, 341, 506(ii) and 307 IPC. He further submitted that, petitioner is innocent and he is falsely implicated in this case. Petitioner is in judicial custody from 14.06.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) opposes this petition, on the ground that, on 11.06.2023 at about 02.45 p.m., accused had attacked the defacto complainant's father, in connection with a land dispute. As a result, defacto complainant's father suffered injuries and he was treated and discharged. Therefore, he prays



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for dismissal of this bail petition.

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4. Considering the fact that, injured had been discharged from the hospital and petitioner is in judicial custody from 14.06.2023 and that the substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner and 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 No.I, Ulundurpet** 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



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1.The Judicial Magistrate No.I, Ulundurpet.

2.The Sub-Jail,
Ulundurpet.

3.The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.

4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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