



Crl.O.P.No.16824 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

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

Crl.O.P.No.16824 of 2023

Rathinam

...Petitioner

Vs.

The State represented by
The Inspector of Police,
Elachipalayam Police Station.
Crime No.69 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail who is in Sub-Jail, Tiruchengode in Crime No.69 of 2023 on the file of the respondent police and granting bail to the petitioner.

For Petitioner : Mr.C.Paraneedharan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.06.2023 for the offences punishable under Sections 294(b) and 307 IPC in Crime No.69 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused in connection with grazing of goats in the road by the defacto complainant in Crime No.69 of 2023 for the offences under Sections 294(b) and 307 IPC. Petitioner is in judicial custody from 22.06.2023. As per communication sent from the Superintendent, Sub-jail, Tiruchengode in Letter No.202 in Ki/Ci/Thi.Kodu/2023 dated 17.07.2023, it is stated that petitioner's health condition is deteriorating fast and therefore, the prison authority recommended the Inspector of Police to take steps for getting bail to the petitioner. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor opposes this petition, on the ground that, on 04.05.2023, at about 4.00 p.m.,



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defacto complainant's mother allowed her goats to graze in a road.

Petitioner questioned defacto complainant's mother, why she allowed the goats to graze and then started hitting her with the handle portion of spade. As a result, defacto complainant's mother sustained grievous injury. Therefore, he prays for dismissal of this bail petition.

4. Considering the nature of the allegations made in the first information report and that, as per the communication sent by the Superintendent of Prison, Thiruchengode to the Inspector of Police, Yelachipalayam that petitioner's is suffering from illness, due to old age and therefore, recommended to release the petitioner on bail and that petitioner is in judicial custody from 22.06.2023 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 Court, Tiruchengode** and on further conditions that :-



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[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 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].



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

31.07.2023

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To

- 1.The Judicial Magistrate Court, Tiruchengode.
- 2.The Sub-Jail,
Tiruchengode.
- 3.The Inspector of Police,
Elachipalayam Police Station.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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