



Crl.O.P.No.17729 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.17729 of 2023

Sithik Mohamed

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Koradachery Police Station,
Thiruvarur District.
(Crime No.297 of 2023).
...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Cr.No.297 of 2023 on the file of respondent herein.

For Petitioner : Mr.P.Muthamizhselvakumar
For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.07.2023 for the offence punishable under Sections 452, 294(b), 324 and 307 of IPC in Crime No.297 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 Crime No.297 of 2023 for the offences punishable under Sections 452, 294(b), 324, 307 of IPC. Petitioner is innocent. Petitioner is in judicial custody from 10.07.2023. Therefore, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor, opposed this petition, on the ground, there is a previous dispute between the 1st accused and defacto complainant, in connection with stitching of dress by the 1st accused and not returning the dress within the time. On 10.07.2023, when defacto complainant and his wife were working in their hotel, at about 6.30 a.m., four persons came to the hotel asking for breakfast.



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When defacto complainant tried to set the table, the accused had scolded him in filthy language, as to why he was fighting with the 1st accused and started attacking him with aruval. As a result, he suffered injuries and treated as in-patient and discharged from the hospital. Thus, he prays for dismissal of this petition.

4. Considering the nature of the offences alleged against the accused in this case and that injured had been treated and discharged from the hospital and that petitioner is in judicial custody from 10.07.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner with conditions and the petitioner is ordered to be released on bail on their 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, Thiruvarur** 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



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Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily morning 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].

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

11.08.2023

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To

- 1.The Judicial Magistrate Court,
Thiruvarur.
- 2.The Inspector of Police,
Koradachery Police Station,
Thiruvarur District.
- 3.The District Prison,
Thiruvarur.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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