



CrI.OP.No.18651 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

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

CrI.OP.No.18651 of 2023

Ela @ Elamparithi

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Ranipet Police Station,
Ranipet District.
(Crime No.307 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in connection with the case in Crime No.307 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.Harish

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 07.07.2023 for the offence punishable under Sections 341, 294 (b), 323, 324, 392, 397 and 506 (2) I.P.C, in Crime No.307 of 2023 on the file of the respondent police, seeks bail.

2.It is the submission of the learned counsel for the petitioner that petitioner and defacto-complainant have previous enmity. Due to that previous enmity, the defacto-complainant has given a false complaint. Petitioner is in judicial custody from 07.07.2023. Hence, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that on 02.07.2023, when defacto-complainant had gone to view Mamannan cinema at Rajeshwari Theatre, the accused in this case had placed the legs on the defacto-complainant's seat from behind. Therefore, there was a fight and the accused had tried to assault the defacto-complainant. On seeing the arrival of the defacto-complainant's friends, they escaped. Subsequently, on 08.07.2023, the defacto-complainant was speaking with auto drivers Prabhu, Sridaran, Murali and Udhayakumar regarding finance, at about 07.00 p.m and when he was about to start, the accused had come and blocked his two-wheeler and showed a long knife



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and told that 1st accused lost his Rs.5000/- due to fight on 02.07.2023 and wanted the defacto-complainant to pay this amount. When defacto-complainant refused to pay the amount, he beaten the defacto-complainant and also snatched two sovereigns of gold chain. Second accused/Lotta @ Shanmugapriyan had taken his Rs.7500/- and his Adhaar and driving licence. He further submitted that case properties had been recovered. Petitioner has ten previous cases pending against him and thus he opposed this petition.

4.Considered the rival submissions and perused the records.

5.It is seen from petitioner's pending case details, most of the cases were registered during the period 2014 to 2019. Two cases were registered in 2021 and 2022 under Criminal Law Act and one case was registered in 2023.

6.Considering the fact that petitioner is in judicial custody from 07.07.2023 and that material part of investigation in this case might have



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been completed by this time, this Court is inclined to grant bail to the petitioner with 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 District Munsif cum Judicial Magistrate, Ranipet**, 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 morning at 10.00.a.m., and evening at 5.00 p.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



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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.The District Munsif cum Judicial Magistrate,
Ranipet.
- 2.The Inspector of Police,
Ranipet Police Station,
Ranipet District.
- 3.Vellore Central Jail.
- 4.The Public Prosecutor,
High Court of Madras



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