



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2023

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.19630 of 2023

Dhandapani

.. Petitioner/A2

Vs.

State Rep.by
The Inspector of Police,
District Crime Branch, Tiruppur,
Tiruppur District.
(Crime No. 8/2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.8 of 2022 pending investigation on the file of the respondent police.

For Petitioner : M/s.C.S.Saravanan

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl.Side)



ORDER

WEB COPY Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.Side) for the State.

2. The defacto complainant has engaged a counsel to intervene the bail petition.

3. The reading of the First Information Report clearly shows that a case of civil dispute has been given the criminal colour by the defacto complainant in order to harass the petitioner herein. Hence, this Court is of the view that the petitioner may be granted bail. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thosand only)** with two sureties, each for a like sum, to the satisfaction of the learned **Judicial Magistrate No.II, Tiruppur;**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;



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(c) the petitioner is directed to report before the **Investigating Officer as and when required for interrogation;**

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

28.08.2023

rpl

To

1.The Judicial Magistrate No.II, Tiruppur

2.The Inspector of Police,
District Crime Branch, Tiruppur,
Tiruppur District.

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