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CrI.OP.No.21551 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.21551 of 2023

Natarajan

...Petitioner

Vs.

The State Rep by
Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore.
(Crime No.248 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the case in Crime No.248 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : Mr.B.S.Manikandan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.05.2023 for the offences punishable under Sections 294(b), 323, 307 of IPC in Crime No.248 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in this case registered in Crime No.248 of 2023 for the offences under Sections 294(b), 323, 307 of IPC. Petitioner is in Judicial Custody from 28.05.2023. Thus, he prayed for grant of bail.

3. In reply, the learned Additional Public Prosecutor opposes the petition on the ground that, petitioner under the influence of alcohol had attacked the defacto complainant with knife on his head and caused severe injuries. He further submitted that, petitioner is a History Sheeter and there are four previous cases pending against him including one case registered under Section 302 of IPC and 307 of IPC. Injured victim in this case has been discharged from the hospital.



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4. This is the second bail petition filed by the petitioner. Earlier bail petition filed by the petitioner was dismissed by this Court in Crl.O.P.No.14567 of 2023 on the ground that petitioner has previous cases and the injured victim is taking treatment in the hospital. It is now informed by the learned Additional Public Prosecutor that, investigation in this case is completed and final report is filed before the concerned Magistrate and it is pending in P.R.C.No.12 of 2023. In the said circumstances and also considering the duration of the custody of the petitioner ie., from 28.05.2023, this Court is inclined to grant bail to the petitioner.

5. Accordingly, 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 Principal District Sessions Judge, Vellore** 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 stay at Nagapattinam and report before the Inspector of Police, Nagapattinam Town Police Station daily at 10.00.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.

20.09.2023

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To

1. Principal District Sessions Judge, Vellore
2. Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore.
3. Central Prison,
Vellore
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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