



WEB COPY



Crl.O.P.No.21983 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.21983 of 2023

Arunachalam

...Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Krishnagiri Town Police Station
Krishnagiri
Krishnagiri District
Crime No.371 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.371 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Rajinikanth

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.08.2023 for the offence punishable under Sections 294(b), 323 and 307 of IPC in Crime No.371 of 2023 on the file of the respondent police,



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seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he is falsely implicated in a case registered in Crime No.371 of 2023 for the offences under Sections 294(b), 323 and 307 of IPC. Petitioner is in Judicial Custody from 12.08.2023. Thus, he seeks bail to the petitioner.

3. In response, the learned Additional Public Prosecutor submitted that *de-facto* complainant is running a monthly chit. Petitioner Arunachalam is one of the subscribers to Rs.50,000/- chit. He had taken the chit at 11th month. Thereafter, he did not pay the subscription amount regularly. Therefore, there was an issue between them. On 12.08.2023, at about 06.00 p.m., *de-facto* complainant visited the house of the petitioner and wanted him to pay the subscription amount. Petitioner refused to pay the amount and scolded him in filthy language and then, he took a knife and tried to assault the *de-facto* complainant. Though the *de-facto* complainant tried to flee from there, he was chased by the petitioner and stabbed on his stomach and rib area. He was treated as inpatient from 12.08.2023 to 22.08.2023 and was discharged.



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4. Considered the rival submissions and perused the records.

5. Considering the nature of the offence and the fact that the injured has been treated and discharged from the hospital and the petitioner is in judicial custody from 12.08.2023, this Court is inclined to grant bail to the petitioner with conditions.

6. Accordingly, 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 **Judicial Magistrate Court-I, Krishnagiri** 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 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.



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G.CHANDRASEKHARAN, J.

mpl

[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.

25.09.2023

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To

1. The Judicial Magistrate Court – I,
Krishnagiri.
2. The Inspector of Police,
Krishnagiri Town Police Station
Krishnagiri
Krishnagiri District.
- 3.Sub Jail,
Krishnagiri.
- 4.The Public Prosecutor,
High court of Madras.

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