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CrI.OP.No.23361 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.23361 of 2023

Rajesh

S/o.Ganapathy

...Petitioner

Vs.

The State rep.by,
The Inspector of Police,
T-12, Poonamallee Police Station (L&O)
Chennai.

Crime No.542 of 2023.

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.542 of 2023, on the
file of the respondent police.

For Petitioner : M/s.S.Senthilkumar

For Respondent : Mr.R. Kishore Kumar

Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 03.09.2023 for the offences punishable under Sections 341, 294 (b) &
307 IPC, in Crime No.542 of 2023, on the file of the respondent police,
seeks bail.



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2.The learned counsel for the petitioner submitted that petitioner is no way connected with the alleged offence and has been falsely implicated in this case. He is in judicial custody from 03.09.2023 and the other accused has also been taken into custody and still in judicial remand. Thus, he prays for grant of bail to the petitioner.

3.It is stated by the learned Government Advocate (Crl.Side) that on 02.09.2023, around 4 p.m., accused persons had attacked the defacto complainant with a knife. As a result, defacto complainant suffered injuries. Injured had been treated and discharged from the hospital. Thus, he opposed the grant of bail to the petitioner.

4.Taking into consideration the fact that the injured had been discharged from the hospital and though there are previous cases against the petitioner, considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions. Accordingly, the petitioner is ordered to be released on bail on he executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



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with two sureties, each for a like sum to the satisfaction of the **learned**

Judicial Magistrate II at Poonamallee 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 everyday 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].



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

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To

1. The Judicial Magistrate II at Poonamallee.
2. The Central Prison - II, Puzhal, Chennai.
3. The Public Prosecutor,
High Court of Madras.
4. The Inspector of Police,
T-12, Poonamallee Police Station (L&O)
Chennai.
Crime No.542 of 2023.



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C.V.KARTHIKEYAN. J.

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