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Crl.OP.No23347 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM

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

Crl.OP.No.23347 of 2023

Elamaran,
S/o.Panneer

...Petitioner/A1

Vs.

State represented by the
The Inspector of Police,
Koothanallur Police Station,
Thiruvarur District - 614101
(Crime No.325 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. 325 of 2023 on the
file of respondent police on such terms and conditions.

For Petitioner : Mr.S.Nirmal Aditya

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)

ORDER



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The petitioner was arrested and remanded to judicial custody on 25.08.2023 for the offence punishable under Sections 147, 148, 452, 294(b), 506(ii) IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, in Crime No.325 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity with the defacto complainant, the petitioner joined with other accused and assembled unlawfully and quarrelled with the defacto complainant. During quarrel, the petitioner abused the defacto complainant in filthy language and threatened him with dire consequences and also damaged the house of the defacto complainant, house of his neighbour and an auto. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent person and he has been falsely roped in this case. He further submitted that the petitioner has been in custody for nearly 45 days and the petitioner is ready to abide by any stringent condition



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imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) stated that the petitioner is arrayed as A1. Due to previous enmity, the petitioner has abused the defacto complainant in filthy language and threatened him with dire consequences. He further stated that one of the accused/A2 is absconding and investigation is still pending. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, **the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime No.325 of 2023 before the Judicial Magistrate – II, Mannargudi, and the said amount will be disbursed to the defacto complainant, the neighbouring house owner and owner of the auto in equal parts by**



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the Judicial Magistrate, and on such deposit, the petitioner is ordered to be released on bail on their executing separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of **the learned Judicial Magistrate No.II, Mannargudi**, 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.

[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.

11.10.2023

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To

1. The Judicial Magistrate- II,
Mannargudi.
2. The Sub-jail,
Thiruthuraipondi.
3. The Public Prosecutor,
High Court of Madras
4. The Inspector of Police,
Koothanallur Police Station,
Thiruvarur District – 614101.

C.V.KARTHIKEYAN. J.

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