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Crl.O.P.No.24331 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

CORAM

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

Crl.O.P.No.24331 of 2023

Subakar @ Subash S/o. Sekar

... Petitioner/Accused

Vs.

State by
The Inspector of Police,
Ranipet Police Station,
Ranipet District.

(Crime No.55 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail concerned in Crime No.55 of
2023 on the file of the respondent police.

For Petitioner : Mr.D.Dayalan

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



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ORDER

The petitioner is an accused in S.C.No.195 of 2023 pending before the Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Vellore, Vellore District. It is stated that originally the Crime No.55 of 2023 had been registered under Sections 294(b), 323, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 and Section 3 of PPD Act, 1992.

2.It is the case of the prosecution that on 11.02.2023, when the petitioner and his friend were parking a car, it was recorded by the defacto complainant and his cell phone was damaged.

3.It is stated that there are 14 previous cases pending against the petitioner herein but, it is stated that even the detention of the petitioner under Act 14 of 1982 had been quashed by this Court.

4.In view of all these facts, I hold that since the petitioner would have to get an opportunity to conduct the trial, I am inclined to grant bail to the petitioner herein subject to the following conditions:



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5. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Vellore, Vellore District, 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 Trial Court everyday 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



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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.

06.11.2023

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To

1. The Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Vellore, Vellore District,
- 2.The Central Prison, Vellore.
- 3.The Inspector of Police,
Ranipet Police Station,
Ranipet District.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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