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CrI.O.P.No.27223 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

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

CrI.OP.No.27223 of 2023

Wilbert Sowriraj

...Petitioner

Vs.

The State, represented by,
The Inspector of Police,
Dharmapuri Town – B1 Police Station,
Dharmapuri District.
(Crime No.614 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.614 of 2023 on the file of the respondent police.

For Petitioner : Mr.V.Rajamohan
For Respondent : Mr.R.Kishore Kumar
Government Advocate (CrI.Side)

ORDER

The petitioner seeks bail in Crime No.614 of 2023 registered by the respondent Police for the offences under Sections 294 (b), 323, 324, 506 (2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

The petitioner was remanded to judicial custody on 05.11.2023.



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2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3. The case of the prosecution is that the defacto complainant had stated that she proceeded to Dharmapuri in their Scorpio Car bearing registration No.TN 36 CX 8595 along with her husband, who is the Additional Superintendent of Police at Dharmapuri District. At that time, the petitioner riding a two wheeler overtook their Car on the left side. This led to a quarrel, which escalated into violence leading to lodging of complaint and registration of FIR.

4. Taking all the factors into consideration and the period of incarceration suffered by the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions.

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 **Judicial Magistrate, Additional Mahila Court, Dharmapuri**, and on



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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 at 10.00 a.m. for a period of two weeks and thereafter as and when required.

[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, Additional Mahila Court, Dharmapuri.
2. The Inspector of Police,
Dharmapuri Town – B1 Police Station,
Dharmapuri District.
(Crime No.614 of 2023)
3. The District Prison, Dharmapuri.
4. The Public Prosecutor, Madras High Court.



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C.V.KARTHIKEYAN, J.

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