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Crl.O.P.No.28932 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.28932 of 2023

1.Simran@Mohan S/o.Balaji
2.Timple Prakash S/o.Manokaran ...Petitioners/Accused Nos.1 &3
Vs.

State, Represented by,
The Inspector of Police,
Ammamet Police Station,
Salem City Police, Salem,
Crime No.1279 of 2023. ...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime No.1279 of 2023 on
the file of respondent police.

For Petitioners : Mr.R.Chakkaravarthy
For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioners seek bail in Crime No.1279 of 2023 on the file of
respondent police for the offences punishable under Sections 294(b),
195A and 506 (ii) IPC. The petitioners were arrested and remanded to
custody on 02.11.2023.



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2. The case of the prosecution is that the petitioners along with other accused had used obscene words and given life threat to the defacto complainant stating that not to give evidence in an already pending case in Crime No.2 of 2020 on the file of Ammapet Police Station. Hence, the case.

3. Learned counsel for petitioner submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the petitioners are no way connected with the alleged offence and the petitioners are ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. Learned Additional Public Prosecutor submitted that the petitioners along with other accused had given life threat to the defacto complainant stating that not to give evidence in Crime No.2 of 2020. She further submitted that A1 has nine previous cases and A3 has six previous cases. Hence, she vehemently opposed to grant bail to the



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petitioners.

5. Considering the nature of offence and also considering the number of days of incarceration of the petitioners and considering all other factors, I am inclined to grant bail to the petitioners, subject to certain conditions.

6. Accordingly, the petitioners are 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 Court, No.V, Salem 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 cards or Bank pass Books to ensure their identity;
- [b] the petitioner shall report before the jurisdictional Magistrate everyday at 10.30 a.m., for a period of 30 working days and thereafter, as and when required for interrogation.



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[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];

[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 Court No.V,
Salem.
- 2.The Central Prison,
Salem.
- 3.The Inspector of Police,
Ammamet Police Station,
Salem City Police, Salem,
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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