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Crl.O.P.No. 29004 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.29004 of 2023

Ravi

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Namakkal Police Station,
Namakkal District.

Crime No.660 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner / Accused on bail in Crime No.660 of 2023

pending on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor.

ORDER

The petitioner who was arrested and remanded to judicial custody on 03.12.2023, seeks bail in Crime No.660 of 2023, which was registered by the respondent Police for the offences under Section 307 of IPC.

2.The case of the prosecution is that the defacto complainant is



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running crusher business in the name and style of Naveen Minerals, wherein, the petitioner herein and his wife worked in the said concern of the defacto complainant and the said concern was leased out to the petitioner in the last year. The defact complainant, in order to supervise his leased out premises, came to the crusher, wherein, he found one injured person viz., Anand and came to know that he took liquor with the petitioner and in view of wordy altercations, the petitioner assaulted the said Anand. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been in judicial custody from 03.12.2023. Hence, he seeks for granting bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent submitted that the injured has been discharged from the hospital and there is no previous case against the petitioner. However, she opposed for granting of bail to the petitioner.

5.Heard both side and perused the materials available on record.



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6.Considering the rival submissions made on either side and taking into consideration the period of incarceration undergone by the petitioner and also of the fact that the injured has been discharged from the hospital, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] 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 learned Judicial Magistrate No.I, Namakkal and on further conditions that:

[b] the petitioner shall report before the respondent police, daily at 10.00 A.M. untill further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered



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under Section 229A IPC.

28.12.2023

vkr/apd

To

1. The Judicial Magistrate No.I, Namakkal.
2. The Inspector of Police,
Namakkal Police Station,
Namakkal District.
- 3.The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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