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Crl.O.P.No.978 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.978 of 2024

Amir @ Amirthalingam

... Petitioner

Vs.

The State Represented by
The Sub-Inspector of Police,
Tiruppur South Police Station.
(Crime No.90 of 2023)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in SC No.93 of 2023 pending in the Principal Subordinate Court, Tiruppur on trial of the respondent.

For Petitioner : Mr.V.Sathyamoorthy

For Respondent : Mr.J.Subbiah
Government Advocate (Crl.side)

ORDER

The petitioner namely Amir @ Amirthalingam, who was arrested and remanded to judicial custody on 13.02.2023 for the offences punishable under Sections 294(b) and 307 IPC in Crime No.90 of 2023 on the file of the



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respondent police, seeks bail.

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2. The learned counsel for the petitioner submitted that, petitioner is falsely implicated in this case in Crime No. 90 of 2023 for the offences under Sections 294(b) and 307 IPC. Petitioner is in judicial custody from 13.02.2023. Petitioner is innocent. Thus, he prays for grant of bail.

3. The learned Government Advocate (Crl. Side) opposes this petition, on the ground that, defacto complainant was attacked by the petitioner, with a broken beer bottle and caused serious injuries. Petitioner has 15 previous cases pending against him, including offence under Section 302 IPC. He further submitted that, investigation in this case is completed and charge sheet is filed. Therefore, he prays for dismissal of this bail petition.

4. The bail petition was dismissed on 07.07.2023 taking into consideration of the fact that the petitioner has 15 similar cases pending against him, including offence under Section 305 IPC. When the matter is taken up for hearing on 24.01.2024, information was furnished by the learned Government Advocate (Crl. Side) that this case was posted for examination of eyewitness on 05.02.2024, therefore, this case was adjourned



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for today. Even today, the examination of eyewitness has not commenced.

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5. Learned counsel for the petitioner submits that the petitioner got bail in all other cases except this case. He would abide by the conditions of this Court and make himself available for the trial.

6. Considering the facts and circumstances, the period of custody from 13.02.2023 and the fact that the petitioner got bail in all other cases, this Court is inclined to grant bail to the petitioner with conditions.

7. Accordingly, the petitioner is ordered to be released on bail on their executing separate bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate Court No.II, Tiruppur** 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



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police daily at 10.30.a.m., until further orders.

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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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

12.02.2024

Index :Yes/No
Internet :Yes/No
mtl

To



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1.The Judicial Magistrate No.II,
Tiruppur.

2.The Central Prison,
Coimbatore.

3.The Sub-Inspector of Police,
Tiruppur South Police Station.

4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN, J.



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