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Crl.O.P.No.3206 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM

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

Crl.O.P.No.3206 of 2024

M. SathishKumar

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Trichengode Rural Police Station,
Namakkal District
Crime No.24 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.24 of 2024 on the file of
the respondent.

For Petitioner : Mr.M. Dinesh

For Respondent : Mr.L.Baskaran

Government Advocate (Crl. Side)

ORDER

The petitioner/A5, who was arrested and remanded to judicial
custody on 29.01.2024, for the offences registered under Sections 147,
148,294(b), 448,506(ii) of I.P.C r/w Section 3(1) of Tamilnadu Public



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Properties (Prvnt of Damage Loss) Act, 1992 in Crime No.24 of 2024 on the file of the respondent Police, seeks bail.

2. It is stated that all the accused persons went to the TASMACH shop and quarrelled with the defcto complainant for opening the shop, which which escalated into violence and assault.

3.The learned counsel for the petitioner stated that each of the petitioner is prepared to deposit a sum of Rs.5,000/- as compensation to the victim.

4. Merely, because the petitioner deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

5.Taking all these factors into consideration, I am inclined to grant bail to the petitioner subject to the following conditions:

6.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 Court, Trichengode** 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



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Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the credit of Crime No.24 of 2024 before the learned **Judicial Magistrate, Trichengode** and on such deposit, the learned **Judicial Magistrate, Trichengode** may hand over the said amount to the defacto complainant.

[c]the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[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 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].

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

19.02.2024

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To
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- 1.The **Judicial Magistrate Court, Trichengode**
- 2.The Inspector of Police,
Trichengode Rural Police Station,
Namakkal District
Crime No.24 of 2024
- 3.The Central Jail Salem
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN, J.

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