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Crl.O.P.No.5276 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM

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

Crl.O.P.No.5276 of 2024
and Crl.M.P.No.4442 of 2024

Devi Immanuvel

...Petitioner

Vs.

State represented by
The Inspector of Police,
F-3, Nungambakkam Police Station,
Nungambakkam, Chennai.
(Crime No.32 of 2024)

...Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.32 of 2024
on the file of the respondent police.

For petitioner : Mr.M.Marimuthu
For Intervenor : Mr.M.Govindaraju
For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody



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on 11.02.2024 registered by the respondent police for the offences punishable under Sections 294(b), 336, 427, 506(ii) of IPC in Crime No.32 of 2024 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the defacto complainant who is residing at his sister's house and is a neighbour of the petitioner, had a quarrel with the petitioner, owing to the fact that she continuously parked her two wheeler obstructing the passage from which, the car should be taken out.

3.This quarrel escalated into violence and it is alleged that the accused had caused damage to the polycarton sheets and it is stated that the damage is about Rs.90,000/-. She also caused injuries to the dog of the defacto complainant.

4.Heard the learned counsel for the petitioner and also the learned counsel for the defacto complainant.

5.Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on executing a 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



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XIV Metropolitan Magistrate, Egmore 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 Police daily at 10.30 a.m., until further orders.

[c] At the time of executing of sureties, the petitioner shall file an undertaking affidavit stating that she will not park the two wheeler obstructing the ingress and egress of the car of the defacto complainant.

[d] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.32 of 2024 before the XIV Metropolitan Magistrate, Egmore. On such deposit, the learned Magistrate, may hand over the said amount to the defacto complainant. It is made clear that by such deposit would not indicate that the petitioner had admitted to any of the allegations. It is also made clear that the defacto complainant is at liberty to claim further compensation in the manner know to law for the loss suffered.

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

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



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[g] 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].

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

7.Accordingly, this Criminal Original Petition is ordered.

Consequently, connected Miscellaneous Petition is also ordered.

19.02.2024

vkr

To

1. The XIV Metropolitan Magistrate, Egmore.
2. The Central Prison (Women), Puzhal.
- 3.The Inspector of Police,
F-3, Nungambakkam Police Station,
Nungambakkam, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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