



CrI.O.P.No.5649 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM

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

CrI.O.P.No.5649 of 2024

Arunkumar @ Thavith

...petitioner

Vs.

State represented by
The Inspector of Police,
G2, Periamet Police Station,
Chennai.
Crime No.23 of 2024

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.23 of 2024 on the file of the respondent Police.

For petitioner : Mr.C.Raja
For Respondent : Mr.L.Baskaran
Government Advocate (crl.side)

ORDER

The petitioner/A1 who was arrested and remanded to judicial custody on 12.02.2024 for the offences registered by the respondent



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Police under Sections 341, 294(b), 324, 336, 392, 397 and 506(ii) of IPC, in Crime No.23 of 2024, seeks bail.

2.The case of the prosecution is that when the defacto complainant who is a relative of the petitioner, was sleeping, the petitioner woke him in the middle of the night and demanded Rs.500/- to consume alcohol, and when that was refused, the petitioner had attacked the defacto complainant.

3.The learned Government Advocate (crl.side) stated that the petitioner is a history sheeted and there are 11 previous cases against the petitioner.

4.But however, this is an independent incident between two relatives and taking that factor into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

5. 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 learned II Metropolitan Magistrate, Egmore, Chennai



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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, everyday at 10.30 am., until further orders.

[c] the memo which is filed before this Court, may also be filed before the trial Court.

[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.

[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].

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

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C.V.KARTHIKEYAN. J.

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To

1. The II Metropolitan Magistrate, Egmore, Chennai.
2. The Central Prison, Puzhal II.
3. The Inspector of Police,
G2, Periamet Police Station,
Chennai.
4. The Public Prosecutor, High Court of Madras.

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