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Crl.O.P.No.12521 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.12521 of 2024

Periyasamy

...Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Mallur Police Station,
Salem District
(Crime No.126/2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in connection with Crime No.126 of
2024 on the file of the respondent police.

For Petitioner : M/s. R.Thamarai Selvan

For Respondent : Mr. R.Vinoth Raja
Government Advocate (Crl.Side)



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ORDER

The petitioner was arrested and remanded to judicial custody on 01.05.2024, for the offences punishable under Sections 294(b), 307 of the Indian Penal Code, in Crime No.126 of 2024, registered on the file of the respondent Police, seeks bail.

2. Heard the learned counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

3. The petitioner appears to have assaulted the defacto complainant while consuming alcohol with the defacto complainant. It appears that the petitioner and the defacto complainant were otherwise in good term but under influence of alcohol they fought each other, which resulted in injuries to the defacto complainant. The offence is said to have taken place on 27.04.2024. The petitioner was also arrested on 29.04.2024 and remanded to judicial custody on 01.05.2024.



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4. The Learned Government Advocate (Crl.Side) appearing for the respondent police confirms that though the nature of injuries sustained by the defacto complainant was grievous in nature, the defacto complainant has been discharged from the hospital.

5. Considering the same and considering the fact that there are no other records to show that the petitioner was involved in any other previous crime, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) to the credit of Crime No.126 of 2024, before the respondent Police and on such deposit the petitioner is ordered to be released on bail on his executing 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. VI, Salem 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.



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

[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 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]**.

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

23.05.2024

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Note:

1.Registry is directed to forthwith upload this order in the official website of this Court.

2.All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate VI,
Salem.
- 2.The Inspector of Police,
Mallur Police Station,
Salem District.
3. The Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.



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C.SARAVANAN.,J.
dk

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