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Crl.O.P.No.12961 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.05.2024

CORAM

THE HON'BLE MR. JUSTICE S. SOUNTHAR

Crl.O.P.No.12961 of 2024

Rajasekar

...petitioner

Vs.

State represented by
The Inspector of Police,
Kurinjpadi Police Station,
Cuddalore District.
(Crime No.131 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.131 of 2024 on the file of the respondent Police.

For petitioner : Mr.K.Vijayakumar

For Respondent : Ms.Shahana Fathima
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 01.05.2024 for the offences registered by the respondent Police under



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Sections 294(b), 323, 324, 342, 506(ii) and 307 of IPC in Crime No.131 of 2024, seeks bail.

2.The case of the prosecution is that due to previous enmity, A1 along with other accused abused and attacked the defacto complainant by using knife, due to which, the defacto complainant sustained grievous injuries. Hence the complaint.

3.The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in this case. He also stated that the petitioner is ready to abide by any condition that may be imposed by this Court and he is in judicial custody from 01.05.2024. Hence, he prays for grant of bail.

4.The learned Government Advocate (crl.side) stated that there is no previous case against the petitioner. She also stated that the injured had been discharged from the hospital. However, she opposed for grant of bail to the petitioner.

5.Taking all the factors into consideration and the period of incarceration and also of the fact that the injured had been discharged from the hospital, this Court is inclined to grant bail to the petitioner



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subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on 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 District Munsif cum Judicial Magistrate, Kurinjipadi 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 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].



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

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To

1. The District Munsif cum Judicial Magistrate, Kurinjipadi.
2. The Central Prison, Cuddalore.
3. The Inspector of Police,
Kurinjipadi Police Station,
Cuddalore District.
4. The Public Prosecutor, High Court of Madras.



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S. SOUNTHAR, J.

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