



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21190 of 2021

1.Ramkumar
2.Kalaiselvam

...Petitioners

Vs.

The State, represented by
The Sub- Inspector of Police,
Pappireddipatti Police Station
Dharmapuri District.
Crime No.485 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioners in Crime No. 485 of 2021 on the file of the respondent police.

For Petitioners : Mr.K.Kalaikovan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 18.10.2021 for the offences under Sections 147, 148, 294 (b), 323, 324, 307, 506(ii) of IPC, in Crime No.485 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a land dispute between the petitioners and defacto complainant. While so, on 17.10.2021, when the defacto complainant along with his brother and father was correcting the Varappu, the petitioners entered into the land and scolded them in filthy language and also assaulted the defacto complainant's brother with iron rod and threatened them with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioners would submit that there has been a land dispute between the petitioners and the defacto complainant for the past 15 years and thereby, a false case has been foisted against them. He would further submit that there is a case in counter in Crime No.486 of 2021 and that the petitioners have been suffering incarceration for more than 20 days from 18.10.2021. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate raised formal objection stating that the petitioners are arrayed as A1 and A2 and that the injured has been discharged from the hospital.

5. Considering the fact that there is case in counter and the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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, Pappireddipatti, 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 petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

12/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

[*]Amended as per order of this court dated 15.11.2021 made in Cr1.MP.NO.11642 OF 2021 in Cr1.O.P.No. 21190 OF 2021

TO

1 THE JUDICIAL MAGISTRATE,
PAPPIREDDIPATTI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT. [FOR INFORMATION]

**(*) 3 THE OFFICER INCHARGE,
SUB JAIL, DHARMAPURI.**

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE SUB INSPECTOR OF POLICE,
PAPPIREDDIPATTI POLICE STATION,
DHARMAPURI DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

7 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+2 CC to M/S.K.KALAIKOVAN Advocate on payment of necessary
charges SR.NO.12777

CRL OP.21190/2021

Date :12/11/2021

RW 12/11/2021

RW 15/11/2021