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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2021

CORAM:

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

Cr1.O.P.No.21226 of 2021

1.Sudhakar
2.Kandasamy

.. Petitioners

Vs.

The State by its
The Inspector of Police
Mohanur Police Station
Namakkal District.
Crime No.675 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No.675 of 2021 on the file of the respondent police.

For Petitioners: Mr.W.Camyles Gandhi

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 20.10.2021 for the offences under Sections 294(b), 323 & 506(ii) of IPC read with Section 4 of TNPWH Act and Section 3(1) of TNPPDL Act, in Crime No.675 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a property dispute between the petitioners and the defacto complainant. While so, on 20.10.2021, at about 3.00 p.m., the petitioners along with their relatives came to the defacto complainant's house with deadly weapons and scolded her with filthy language and damaged her household articles viz., Asbestos sheets, T.V., Mixi and Fridge etc., and also harassed and inflicted injuries on her. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the defacto complainant is the sister of the 2nd petitioner and they have not committed any offence as alleged by the prosecution. He would submit that, eviction order has been passed by the RDO against the son of the defacto complainant and hence, the defacto complainant has foisted a false case against the petitioners and that the petitioners have been suffering incarceration for more than 20 days from 20.10.2021. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate raised formal objection and stated that the investigation is almost completed.

5. The learned Counsel for the Intervenor would submit that the said RDO order has already been set aside by this Court by order dated 02.11.2021 and would strongly object for grant of bail.

6. Considering the fact that all are belongs to same family and there is a Civil dispute between them and the investigation is almost completed and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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-II, Namakkal, and on further condition 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.

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-sd/-
11/11/2021

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.

TO

1 THE JUDICIAL MAGISTRATE II,
NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAMAKKAL DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
MOHANUR POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.12643

CRL OP.21226/2021

Date :11/11/2021

INBA-12/11/2021