



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11812 of 2022

1 RAMAR [PETITIONERS / ACCUSED]
2 RAJENDRAN

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
THALAIVASAL POLICE STATION,
SALEM DISTRICT.
CRIME NO.85/2022.

For Petitioner : M/S.M.ELIYARAJA Advocate

For Respondent : M/S.E.RAJ THILAK, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners herein, who were arrested and remanded to judicial custody on 01.03.2022 for the alleged offences under Sections 147, 447 and 506(i) of IPC r/w. Section 3(1) of Prevention of Damage to Public Property Act 1984, in Crime Nos.85 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant and his sister entered into an agreement of sale with A1 and agreed to sell a property for a total sale consideration of Rs.82 lakhs. On the date of agreement, A1 was said to have paid an advance amount of Rs.21 lakhs. This agreement did not go through and hence there was some dispute between the parties. On 01.03.2022, the accused persons are said to have entered into the land of the defacto complainant and picked up a quarrel and damaged the standing crops and the water pipelines. There are totally 10 accused persons in this case and the petitioners have been arrayed as A2 and A4.



3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent.

4. The learned Additional Public Prosecutor vehemently opposed for the grant of bail in this case mainly on the ground that as a sequel to the above incident, the accused persons also attacked the sister of the defacto complainant and she was murdered during the incident. Therefore, the respondent police have registered crime No.86 of 2022 against nearly 11 accused persons.

5. The learned Additional Public Prosecutor further submitted that since the above incident led to a murder and tension is prevailing, the present bail petition filed by A2 and A4 is opposed.

5. In the considered view of this Court there was a civil dispute between the parties and the same had led to a wordy quarrel and destruction of property. The present petitioners are having been added as accused persons in crime No.86 of 2022. That apart, there are no previous cases against the petitioners and the petitioners have already been suffered incarceration for nearly 82 days.

6. In view of the above, this Court is inclined to enlarge the petitioners on bail subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, out of which one surety shall be a local surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Attur, Salem District 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 on every Monday and every Friday 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]**.



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

-sd/-
23/05/2022

WEB COPY

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,
NO.II, ATTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THALAIVASAL POLICE STATION,
SALEM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM DISTRICT.

+2 CC to M/S.M.ELIYARAJA Advocate on payment of necessary charges SR.NO.7744

CRL OP.11812/2022

Date :23/05/2022

TA-23/05/2022