



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.15242 of 2022

1.S.Selvam
2.S.Palani

.. Petitioners/A1 & 2

Vs.

State rep.by
The Inspector of Police,
Karuppur Police Station,
Salem District
crime No.204 of 2022

.. Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in crime No.204 of 2022 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Ganeshkumar

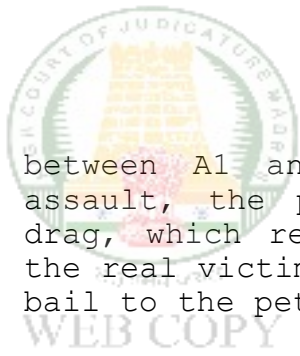
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 07.06.2022 for the offence punishable under Sections 294(b), 427, 341 and 307 of IPC in crime No.204 of 2022 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that the petitioners along with other two accused persons entered the land of the defacto complainant. At that time, A3 caught hold the complainant's wife and the first petitioner herein assaulted her and A4 assaulted the defacto complainant with hands and legs. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are father and son. When the defacto complainant attempted to fence the land, there was a wordy quarrel



between A1 and the defacto complainant. While they attempted to assault, the petitioners restrained, thereby there was a push and drag, which resulted in sustaining injuries and the petitioners are the real victims, who also suffered injuries. Hence, he prays to grant bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that on the date of occurrence, the petitioners along with two others entered the land of the defacto complainant and assaulted the defacto complainant and his wife, thereby they sustained injuries. He would further submit that the injured were discharged from the hospital on 10.06.2022 and 11.06.2022 respectively. However, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances of the case and also considering that the injured were discharged from the hospital, this Court is inclined to grant bail to the petitioners. 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, out of which one shall be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, 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.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
04/07/2022

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, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KARUPPUR POLICE STATION,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.GANESHKUMAR Advocate on payment of necessary charges SR.NO.10618

CRL OP.15242/2022

Date :04/07/2022

JPA 04/07/2022