



Crl.OP.No.16757 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2022

CORAM

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

Crl.OP.No.16757 of 2022

1.Sivashankar
2.Sridhar

..Petitioners/A1 & A2

Vs.

State Rep By its,
The Sub-Inspector of Police,
Mecheri Police Station,
Salem District.
(Crime No.272 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.272/2022 on the file
of the respondent.

For Petitioners : Mr.C.Deepak Kumar
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 19.06.2022 for the offence under Sections 294(b), 352 and
506(ii) of IPC in crime No.272 of 2022 on the file of the respondent



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police, seeks bail.

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2. The case of the prosecution is that 15 days prior to the date of occurrence, the petitioners are alleged to have saw the bed room of the *de-facto* complainant through window. When the same was questioned by the *de-facto* complainant on 19.06.2022 at about 11.30 a.m., the petitioners are alleged to have abused the *de-facto* complainant in filthy language and hold the neck of the *de-facto* complainant. When the *de-facto* complainant shouted, the villagers came to the spot, secured the *de-facto* complainant, attacked the petitioners and handed over them to the respondent police. Hence, the complaint.

3. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioners from the date of their arrest i.e. 19.06.2022, 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, each for a like sum to the satisfaction of



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the **Judicial Magistrate Court No.2, Mettur**, 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., for a period of four weeks and thereafter 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.

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mpl

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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate Court No.2,
Mettur.
- 2.The Sub-Inspector of Police,
Mecheri Police Station,
Salem District.
- 3.Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras

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