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Crl.O.P.No.17457 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2022

CORAM

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

Crl.O.P.No.17457 of 2022

1.R.Sathishkumar

2. R.Surya

...Petitioners

Vs.

State rep. by
The Inspector of Police,
Veeranam Police Station,
Veeranam,
Salem District.
Crime No.227 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in the Crime No.227 of 2022 on
the file of Respondent.

For Petitioners : Mr.K.Selvaraj

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 04.07.2022 for the offences punishable under Sections **294(b), 323 and 307 of IPC** in Crime No.227 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, due to money transactions, the petitioners along with other accused had attacked the defacto complainant with knife and also abused him in filthy language and threatened with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. That apart, the petitioners are in Judicial Custody from 04.07.2022. onwards. Hence, he has prayed for grant of bail to the petitioners.



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4.The learned Additional Public Prosecutor appearing for the respondent submitted that the injured victim has been discharged from the hospital on 04.07.2022. However, he opposed for granting bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners from the date of arrest ie., from 04.07.2022, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing 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 No.IV, 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.



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[b] the petitioners shall report before the respondent police twice daily at 10.30.a.m., and 04.30.p.m for a period of six 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 absconds, a fresh FIR can be registered under Section 229A IPC.

26.07.2022

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To

1. Judicial Magistrate No.IV,
Salem.
2. The Inspector of Police,
Veeranam Police Station,
Veeranam,
Salem District.
3. Central Jail,
Salem.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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