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CrI.OP.No.18529 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2022

CORAM

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

CrI.OP.No.18529 of 2022

1. Jeevanantham
2. Siva

...Petitioners

Vs.

The State rep by,
Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
(Crime No.199 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.199 of 2022
pending investigation on the file of the respondent police.

For Petitioners : Mr.C.S.Saravanan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 15.07.2022 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 392, 506(ii) and 397 of IPC in crime No.199 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a previous enmity in between the defacto complainant and the first accused, due to which, the petitioners along with other accused alleged to have harassed the sister of the defacto complainant and further it is alleged that the accused have assaulted the defacto complainant using brick and thereby caused injury and also robbed a sum of Rs.2,000/- from the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and further submitted that the petitioners were arrested and remanded to judicial custody on 15.07.2022. Hence, he prays for grant of bail to the petitioners.



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally five accused, in which the petitioners are arrayed as A3 & A4. He further submitted that the injured victim has been discharged from the hospital on 20.07.2022. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners, from the date of his arrest i.e., 15.07.2022, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a 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, Kumarapalyam**, 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 5.30 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.

05.08.2022

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To

- 1.The Judicial Magistrate,
Kumarapalayam.
- 2.Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
- 3.Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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