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CrI.OP.No.18834 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2022

CORAM

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

CrI.OP.No.18834 of 2022

1.Elangovan

2.Parameswaran

...Petitioners

Vs.

State Rep. by

Inspector of Police,

Thiruchengodu Rural Police Station,

Namakkal.

(In Crime No.159 / 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioners on bail in connection with the Crime Number No.159 of 2022 against the petitioner, on the file of the respondent viz. Thiruchengodu Rural Police Station, Namakkal Dt.

For petitioners : Mr.S.Kalyanaraman

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

For Intervenor : M/s.P.J.Anitha

ORDER

The petitioners, who were arrested and remanded to judicial custody on 17.05.2022 and 18.05.2022 for the offences punishable under



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Sections 147, 148, 341, 294(b) & 307 of IPC in crime No.159 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that, due to land dispute between both the parties, the accused persons attacked the victim using iron rod. Hence, the complaint.

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. He further submitted that the petitioners are in Judicial Custody from 17.05.2022 and 18.05.2022 onwards. Hence, he prays for grant of bail to the petitioners.

4. The learned counsel appearing for the *de-facto* complainant/intervenor submitted that both the injured sustained grievous injuries and they suffered with fracture. Even now, they are not able to walk properly and they are taking treatment. However, the petitioners were arrested only on 17.05.2022 and 18.05.2022. She also submitted that they had spent more than Rs.23,00,000/- for hospital



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expenditure. Therefore, she also prayed for any interim compensation payable by the petitioners herein.

5. Considering the nature of the injury, this Court is inclined to grant bail to the petitioners. Accordingly, the each of the petitioners shall pay an interim compensation for a sum of Rs.1,00,000/- (Rupees One Lakh Only) directly to the *de-facto* complainant in Crime No.159 of 2022 by way of Demand Draft and on such payment, 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 blood related sureties**, each for a like sum to the satisfaction of the **learned Sub-Judge, Thiruchengodu, Namakkal Dt.**, 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] each of the petitioners shall pay an interim compensation for a sum of Rs.1,00,000/-(Rupees One Lakh Only) directly to the *de-facto* complainant in Crime No.159 of 2022 by way of Demand Draft and the proof shall be produced before the learned Magistrate concerned at time of execution of bond.

[c] the petitioners shall report before the respondent police



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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.

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

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

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

11.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Sub-Judge, Thiruchengodu, Namakkal Dt.
- 2.The Inspector of Police,
Thiruchengodu Rural Police Station,
Namakkal.
- 3.Sub-Jail, Thiruchengodu, Namakkal Dt.
- 4.The Public Prosecutor,
High Court of Madras

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