



Crl.O.P.No.22494 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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1. Srinivasan
2. Tamilarasan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Achirapakkam Police Station,
Chengalpattu District.
Crime No.275 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to release the petitioners on bail in Crime No.275 of 2022 on the file
of the respondent herein, pending investigation.

For Petitioners : Mr.Mr.G.Magesh Kumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER



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The petitioners, who were arrested and remanded to judicial custody on 26.08.2022 for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC and altered to Section 307 of IPC, in Crime No.275 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to a quarrel with regard to the land dispute, the petitioners, who are the neighbours of the defacto complainant, had assaulted the defacto complainant with knife, resulting in the defacto complainant sustaining injuries. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that there was a property dispute between the petitioners and the defacto complainant and a false complaint has been given as against the petitioners. He would also submit that the injured has been discharged from the hospital. He would further submit that the petitioners are in custody from 26.08.2022 and that the petitioners have got no previous cases as against them. Therefore, he prays for grant of bail to the petitioners.



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4. Per contra, the learned Additional Public Prosecutor appearing for the respondent would submit that due to a quarrel with regard to the land dispute, the petitioners, who are the neighbours of the defacto complainant, had assaulted the defacto complainant with knife, resulting in the defacto complainant sustaining grievous injuries. He would also submit that there are no previous cases as against the petitioners. However, he vehemently opposed to grant bail to the petitioners.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)**, with **two sureties**, each for a like sum to the



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satisfaction of the **learned Judicial Magistrate-II, Madurantakam**, 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 stay at Omalur and report before the Inspector of Police, Omalulr Police Station, Salem daily at 10.30 a.m., for a period of four weeks and thereafter, appear before the respondent police daily at 10.30 a.m., until further orders;

[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]**;



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

19.09.2022

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To

1. The Judicial Magistrate-II,
Madurantakam.
2. The Inspector of Police,
Achirapakkam Police Station,
Chengalpattu District.
3. The Superintendent,
Sub Jail,
Madurantakam.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.



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