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Crl.O.P.No.22823 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM

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

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1. Muthuraman
2. Harikrishnan
3. Dharsanprasath
4. Ilayabharathi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Thandrampet Police Station,
Tiruvannamalai District.
Crime No.192 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners/accused on bail pending investigation in
Crime No.192 of 2022 on the file of the respondent police herein.

For Petitioners : Mr.M.Sounderrajan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 04.09.2022 for the offences punishable under Sections 147, 148, 294(b), 324, 506(ii) and 307 of IPC, in Crime No.192 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on account of the dispute regarding removal of encroachment, the petitioners along with the other accused have assaulted the defacto complainant and his relatives with Koduval resulting in them sustaining injuries and thereafter, they were admitted in the hospital. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that there was a quarrel on account of a land dispute and the incident had occurred during that time. He would also submit that there is no motive or intention on the part of the petitioners to commit the incident. He would further submit that the petitioners are in custody from 04.09.2022 and the victim has also been discharged from the hospital on 11.09.2022. He would



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also state that there are no previous cases as against the petitioners.

Therefore, he prays for grant of bail to the petitioners.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners, due to land dispute, have preplanned to commit the murder of the defacto complainant, pursuant to which, they attacked the victim with Koduval resulting in him sustaining injuries on the head. He would also submit that the injured has been discharged from the hospital and there is no previous case 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.



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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 satisfaction of the **learned Judicial Magistrate, Thandrampet**, 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 Krishnagiri and report before the Inspector of Police, Town Police Station, Krishnagiri, daily at 10.30 a.m., and 05.30 p.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



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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.

21.09.2022

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To

1. The Judicial Magistrate, Thandrampet.
2. The Inspector of Police,
Thandrampet Police Station,
Tiruvannamalai District.
3. The Superintendent,
Vellore Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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