



CrI.O.P.No.23330 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM

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

CrI.O.P.No.23330 of 2022

1. Sivakumar
2. Sellamuthu
3. Mayavel
4. Babu

... Petitioners

Vs.

The State represented by,
The Sub-Inspector of Police,
V.Kalathur Police Station,
V.Kalathur,
Perambalur District.
Crime No.109 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail pending investigation in Crime
No.109 of 2022 on the file of the respondent police.

For Petitioners : Mr.P.Mani

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

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), 324 & 307 of IPC, in Crime No.109 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on account of a dispute regarding Administration and Management of a Temple, a peace committee meeting was conducted by the Tahsildar concerned and he had passed an order for *status quo*. While so, the petitioner along with the other accused have trespassed into the land belonging to the defacto complainant and assaulted the defacto complainant's brother with Aruval and Iron rods resulting in him sustaining injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and an exaggerated complaint has been given as a counter complaint with regard to the Administration and Management of a Temple and the counter parties are the persons, who are the aggressor. He would also submit that it is a case in counter given by the



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defacto complainant to the complaint given by the petitioner in Crime No.116 of 2022. Therefore, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the occurrence took place on 25.08.2022 and a subsequent case was registered on 19.09.2022. He would further submit that the injured have been discharged. 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 of the facts and circumstances of the case, the submissions made by the learned counsel and also the the fact that the incident has happened on account of dispute regarding the Administration and Management of a Temple and that the victim has been discharged from the hospital, 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 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, Vepanthattai**, 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 Dharmapuri and report before the Inspector of Police, Town Police Station, Dharmapuri, 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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

27.09.2022

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To

1. The Judicial Magistrate, Vepanthattai.
2. The Sub-Inspector of Police,
V.Kalathur Police Station,
V.Kalathur,
Perambalur District.
3. The Superintendent,
Sub Jail,
Perambalur.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.

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