



CrI.O.P.No.23451 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM

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

CrI.O.P.No.23451 of 2022

1.Duraisamy
2.Jayaprakash

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Komaralingam Police Station,
Tiruppur District.
(Crime No.186 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.186 of 2022, pending
investigation on the file of the respondent Police.

For Petitioners : Mr.M.Purushothaman

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 01.09.2022, for the offences punishable under Sections 341,



CrI.O.P.No.23451 of 2022

294(b), 324, 307 and 506(ii) of IPC in Crime No.186 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant Kalimuthu is that the petitioners are his relative and that due to enmity on account of property dispute, the petitioners have assaulted him with knife and stones, resulting in him sustaining injuries. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the 1st petitioner and the defacto complainant are brothers and the 2nd petitioner is the co-brother of the 1st petitioner. He would also submit that due to enmity on account of property dispute, a false complaint has been given as against the petitioners. He would further submit that the petitioners have got no previous case as against them and the alleged victim has also been discharged from the hospital. He would further state that the 2nd petitioner's wife passed away very recently on 15.08.2022 and he is unable to perform rituals for the deceased. Hence, he prays for grant of bail to the petitioners.



Crl.O.P.No.23451 of 2022

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4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners and the defacto complainant are relatives and on account of property dispute, the petitioners have assaulted the defacto complainant with knife and stones, resulting in him sustaining injuries. He would further submit that the injured has also been discharged from the hospital and there are no previous cases as against the petitioners. However, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) 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 with certain conditions.



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CrI.O.P.No.23451 of 2022

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 District Munsif Court cum Judicial Magistrate Court, Madathukulam** 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 report 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



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Crl.O.P.No.23451 of 2022

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.

29.09.2022

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To

- 1.The District Munsif cum Judicial Magistrate,
Madathukulam.
- 2.The Inspector of Police,
Komaralingam Police Station,
Tiruppur District.
- 3.The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.23451 of 2022

A.D.JAGADISH CHANDIRA., J.

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Crl.O.P.No.23451 of 2022

29.09.2022