



Crl.O.P.No.25719 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

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

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1. Sugan

2. Harish

3. Pradeep

4. Mounish

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Nallipalayam Police Station,
Namakkal District.

(Crime No.177/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in connection with the Crime
No.177 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.Deepanuday

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 11.09.2022, 13.09.2022 and 14.09.2022 respectively, for the offences punishable under Sections 324, 307 IPC @ 324, 307, 294(b) & 120(b) IPC, in Crime No.177 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the husband of the de-facto complainant had an illicit intimacy with the wife of the first accused, pursuant to which, the first accused along with other accused planned to commit murder of the de-facto complainant's husband and assaulted him with knife, due to which, he suffered grievous injuries. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that due to the previous enmity, a false complaint has been lodged against the petitioners and they are in custody for more than a month and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the



petitioners.

4. The Government Advocate (CrI.Side) appearing for the respondent police would submit that on account of the previous enmity regarding the illicit intimacy of the de-facto complainant's husband with the wife of the first accused, the accused persons have planned and assaulted the de-facto complainant with knife, causing grievous injuries. He would also submit that the injured has been discharged from the hospital on 16.09.2022. However, he oppose for grant of bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (CrI.Side) and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and taking note of the period of incarceration undergone by the petitioners and this Court is inclined to grant bail to the petitioners with certain conditions.



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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) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-I**, 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 Vellore and report before the Inspector of Police, Vellore Town Police Station, everyday at 10.30 a.m. and 5.30p.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



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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.

20.10.2022

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To

1. The Judicial Magistrate I,
Namakkal.
2. The Inspector of Police,
Nallipalayam Police Station,
Namakkal District.
3. The Central Prison,
Salem.
4. The Inspector of Police,
Vellore Town Police Station,
Vellore.
5. The Public Prosecutor,
High Court of Madras.



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