



Crl.O.P.Nos.25584 & 25678 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**

Crl.O.P.Nos.25584 & 25678 of 2022

1. Vinoth

2. Subramani

... Petitioners in Crl.O.P.No.25584 of 2022

Viji

... Petitioner in Crl.O.P.No.25678 of 2022

Vs.

The State represented by,
The Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.
(Crime No.367/2022).

... Respondent in both Crl.O.P.Nos.

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.367
of 2022 pending investigation on the file of the respondent Police.

In both Crl.O.P.Nos.,

For Petitioners : Mr.K.T.S.Sivakumar

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 13.09.2022, for the offences punishable under Sections 294 (b) & 302 IPC, in Crime No.367 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on account of the land dispute, the petitioners have assaulted the de-facto complainant's son with wooden log, due to which, he died. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners and the deceased are pangalis. He would further submit that during the quarrel regarding the land dispute, the incident had happened at the heat of the passion and there is no intention or motive on the part of the petitioners to commit murder of the deceased. He would submit that the petitioners are in custody from 13.09.2022 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.



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4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners, due to the previous enmity regarding the land dispute, have assaulted the de-facto complainant's son with wooden log, due to which, he died. Therefore, 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 of the case and the submissions made by the learned counsel and also taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

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 District Munsif - cum - Judicial Magistrate,**



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Kalasapakkam, 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 Erode and report before the Inspector of Police, Erode 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 in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

[f] If the accused thereafter abscond, a fresh FIR



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can be registered under Section 229A IPC.

20.10.2022

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To

1. The District Munsif - cum - Judicial Magistrate,
Kalasapakkam.
2. The Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.
3. The Sub Jail,
Tiruvannamalai.
4. The Inspector of Police,
Erode Town Police Station,
Erode District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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