



Crl.O.P.No.25855 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

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

Crl.O.P.No.25855 of 2022

1. Elumalai

2. Selvam

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Vettavalam Police Station,
Tiruvannamalai District.

(Crime No.171/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime No.171
of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.S.Silambuselvan

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 08.10.2022, for the offences punishable under Sections 147, 294(b), 323, 324, 307, 506 (ii) IPC r/w Section 4 of TNPWH Act, in Crime No.171 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the accused had abused the de-facto complainant and her husband and assaulted them with knife, causing grievous injuries, due to the land dispute with regard the cutting down the tree and fixation of a boundary. The injured have been admitted in the hospital. 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 there exist a previous enmity between the de-facto complainant family and the accused with regard to the land dispute, due to which a false complaint has been given against them. He would also submit that it is a counter case. He would also submit that the petitioners are in



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custody from 08.10.2022. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the Respondent would submit that it is a case and a case in counter. He would further submit that the de-facto complainant's husband and the petitioners had attacked each other and due to which two cases have been registered. He would also submit that investigation is pending in this case and the injured has been discharged from the hospital. However, he oppose to grant bail to the petitioner.

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 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.

7. Accordingly, the petitioners are ordered to be released on bail on



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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-II, Tiruvannamalai**, 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, 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 Judicial Magistrate II,
Tiruvannamalai.
2. The Inspector of Police,
Vettavalam Police Station,
Tiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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