



Crl.O.P.Nos.28042 & 28076 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

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

Crl.O.P.Nos.28042 & 28076 of 2022

C.Babu ... Petitioner in Crl.O.P.No.28042 of 2022

S.Jegan ... Petitioner in Crl.O.P.No.28076 of 2022

Vs.

The State represented by,
The Inspector of Police,
Myiladuthurai Police Station.
Myiladuthurai District.

(Crime No.803/2022). ... Respondent in both Crl.O.P.Nos.

COMMON PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner on bail in connection with the Crime No.803 of 2022 pending investigation on the file of the respondent Police.

In Both Crl.O.P.Nos.,

For Petitioners : Mr.D.Saikumaran

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



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COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 26.10.2022 for the alleged offences under Sections 452, 294(b), 352, 354, 307 & 506(ii) of IPC, in Crime No.803 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant Manimegalai is that her daughter Tamilazhagi was given in marriage to one Vimalraj of different community, due to which, there was an enmity between the accused Babu, who is the relative of the *de-facto* complainant and the *de-facto* complainant's family. While so, on 25.10.2022, at about 6.30 p.m., when the *de-facto* complainant and her family were on the way to see their ailing relative, the accused have waylaid them and abused them in a filthy language and assaulted them with iron rod, resulting in them sustaining injuries and in continuation of the same, at about 10.30 p.m., the accused had once again come to the house of the de-facto complainant and abused her in a filthy language and by attempting to attack her, intimidated her with dire consequences. Hence the case.



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3. Learned counsel appearing for the petitioners submitted that the petitioners and the de-facto complainant are close relatives and there exists a dispute between them. He further submitted that based on the complaint given by one Jansiraj, wife of Babu (petitioner in Crl.O.P.No.28042 of 2022), a case in Crime No.802 of 2022 was registered as against the AjithKumar, who is the son of the de-facto complainant and others and only as a counter blast, the present complaint has been lodged by the de-facto complainant. He further submitted that now due to the intervention of well wishers, the parties have compromised the issue and the de-facto complainant has also filed an affidavit stating that the petitioners have been falsely implicated in this case, hence, he prayed to grant bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that it is a case and a case in counter. He further submitted that due to the previous enmity on account of the de-facto complainant's sister being given in marriage to a person belonging to other community, the accused have come to the house of the de-facto complainant and abused her in a filthy language and intimidated her. He also stated that



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the case in counter in Crime No.802 of 2022 has been registered as against the son of the de-facto complainant. He further submitted the incident had happened, however, they have entered into a compromise, since they belong to the same community, however, oppose for grant of 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 and taking note of the affidavit filed by the de-facto complainant, 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 thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Myiladuthurai**, and on further conditions that:



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[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 Chennai report before the Inspector of Police, North Beach Police Station, everyday 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 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.

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To

1. The Judicial Magistrate - I,
Myiladuthurai.
2. The Inspector of Police,
Myiladuthurai Police Station.
Myiladuthurai District.
3. The Sub Prison,
Myiladuthurai
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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