



Crl.O.P.Nos.28043 & 28070 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.28043 & 28070 of 2022

S.Jegan ... Petitioner in Crl.O.P.No.28043 of 2022

C.Babu ... Petitioner in Crl.O.P.No.28070 of 2022

Vs.

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

(Crime No.801/2022). ... 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.801 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 341, 294(b), 324, 354, 352, 307, 427 & 506(ii) of IPC, in Crime No.801 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant Ajith Kumar is that his sister 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 the *de-facto* complainant's family. While so, on 25.10.2022, when the *de-facto* complainant and his family were on the way to see their ailing relative, the accused have waylaid them and by saying that why they had given their girl in marriage to the person belonging to some other community, abused them in a filthy language and assaulted them with iron rod, resulting in them sustaining injuries. 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, on account of the intercaste marriage of the de-facto complainant's sister and due to the previous enmity, a false case has been given against them. 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 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 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 assaulted the de-facto complainant and his family members. 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.



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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:

[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;



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[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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