



Crl.O.P.No.28370 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

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

Crl.O.P.No.28370 of 2022

1. Kumar

2. Ajithkumar

3. Arunkumar

... Petitioners

Vs.

State rep. by the
The Inspector of Police,
Kodavasal Police Station,
Thiruvarur District.

(Crime No.521 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.521 of 2022 pending
on the file of the respondent.

For Petitioners : Mr.AL.Ramamoorthy

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 16.10.2022 for the offences punishable under Sections 147, 148, 341, 294(b), 324, 506(ii) & 307 of IPC, in Crime No.521 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant Mahendran is that due to the existing land dispute between the *de-facto* complainant's family and the accused, on 15.10.2022, accused have abused the *de-facto* complainant and his family in a filthy language and also attempted to commit murder by assaulting them with deadly weapons, causing severe injuries. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and due to the land dispute, a false case has been lodged as against them. He further submitted that the petitioners are in custody from 16.10.2022 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he seeks for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to the existing land dispute, the accused have abused the de-facto complainant and his family and also attempted to murder them by assaulting them with deadly weapons. He further submitted that the injured were discharged from the hospital on 01.11.2022, however, 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 and the circumstances of the case and the submissions made by the learned counsel and also considering the fact that the injured have been discharged from the hospital, this Court is inclined to grant bail to the petitioners.

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



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satisfaction of learned **Judicial Magistrate Court, Thiruvarur**, 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 Kumbakonam and report before the Inspector of Police, Kumbakonam East Police Station, everyday at 10.30a.m., until further orders.

[c] the petitioner shall not enter into the jurisdictional limit of the respondent police station, until further orders;

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] 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



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[(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh
FIR can be registered under Section 229A IPC.

25.11.2022

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To

1. The Judicial Magistrate Court,
Thiruvarur.
2. The Inspector of Police,
Kodavasal Police Station,
Thiruvarur District.
3. The Central Prison,
Trichy.
4. The Inspector of Police,
Kumbakonam East Police Station,
Kumbakonam.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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