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Crl.O.P.No.28613 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

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

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1. Ramesh

2. Venugopal

3. Janarthanan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.

(Crime No.561/2022).

... 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.561 of 2022, pending investigation on the file of the respondent Police.

For Petitioners : Mr.Swami Subramanian

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 28.10.2022, for the offences punishable under Sections 341, 294(b), 324, 307, 427 and 506(ii) of IPC, in Crime No.561 of 2022, seek bail.

2. The case of the prosecution is that on 27.10.2022, due to previous enmity on account of removal of encroachment, the petitioners along with the other accused have abused the de-facto complainant in a filthy language and assaulted him with iron rod and wooden log, resulting him in sustaining injuries. Hence the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and due to the previous enmity, a false complaint has been given against them. He also stated that the injured has been discharged from the hospital and the petitioners are in custody from 28.10.2022 and they are ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed to grant bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that on account of removal of encroachment, there exist a previous enmity between the accused and the de-facto complainant, due to which, the petitioners along with other accused have abused the de-facto complainant in a filthy language and assaulted him with iron rod and wooden log, resulting in him sustaining injuries. He further submitted that the injured has been discharged from the hospital on 02.11.2022, however, he oppose 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 circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.



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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 Judicial Magistrate, Thiruthuraipoondi, 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 Namakkal and report before the Inspector of Police, Namakkal Town Police Station, everyday at 10.30 a.m. and 05.30 p.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



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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.

22.11.2022

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To

1. The Judicial Magistrate,
Thiruthuraipoondi, Thiruvarur.
2. The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
3. The Sub Jail,
Thiruthuraipoondi.
4. The Inspector of Police,
Namakkal Town Police Station,
Namakkal District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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