



WEB COPY



CrI.O.P.No.29009 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

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

CrI.O.P.No.29009 of 2022

1. Varadhan

2. Murugesan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Thalaivasal Police Station.
Salem District.

(Crime No.85/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in connection with the Crime No.85
of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.M.Eliyaraja

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



Crl.O.P.No.29009 of 2022

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 28.10.2022 for the alleged offences under Sections 147, 447 & 506(i) of IPC r/w. Section 3(1) of Prevention of Damage to Public Property Act 1984, in Crime No.85 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to the existing civil dispute, the petitioners along with the other accused have entered into the property of the de-facto complainant and made a quarrel with the de-facto complainant and damaged the standing crops and the water pipelines. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are arrayed as A5, A6 respectively in this case. He further submitted that the co-accused in this case have been granted bail by this Court in Crl.O.P.No.11812 of 2022 vide order dated 23.05.2022. He further



Crl.O.P.No.29009 of 2022

submitted that the petitioners are in custody from 28.10.2022 and also stated that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that on account of the existing civil dispute, the petitioners (A5&A6) along with the other accused have entered into the de-facto complainant's property and caused damage to the standing crops and the water pipelines. Hence, he vehemently opposed to grant bail to the petitioners and prayed for dismissal of these bail petitions.

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 fact that the co-accused have been granted bail by this Court, this Court is inclined to grant bail to the petitioners with certain conditions.



CrI.O.P.No.29009 of 2022

WEB COPY

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Attur, Salem** 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 Trichy and report before the Inspector of Police, Trichy Town Hall Police Station, 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



Crl.O.P.No.29009 of 2022

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.

25.11.2022

ham

To

1. The Judicial Magistrate - II,
Attur, Salem.
2. The Inspector of Police,
Thalaivasal Police Station,
Salem District.
3. The Central Jail,
Salem.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.29009 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.29009 of 2022

25.11.2022