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Crl.O.P.No.29274 of 2022

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.No.29274 of 2022

1. Madhaiyan

2. Ponnammal

... Petitioners

Vs.

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

(Crime No.336/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.336 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.P.M.Jayachandran

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 07.11.2022 for the alleged offences under Sections 147, 148, 294(b), 324, 307, 506(ii) of IPC, in Crime No.336 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant Murugan is that there exists a land dispute between the *de-facto* complainant's family and the accused family and due to which, on 26.10.2022, the accused have abused the *de-facto* complainant and his family in a filthy language and assaulted them with wooden logs, resulting in them sustaining injuries. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and due to the existing land dispute, a false case has been given as against the petitioners and their family. He also submitted that the *de-facto* complainant and his family have abused and assaulted the petitioners' family and in respect of which, a case in Crime



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No.337 of 2022 has been registered as against the *de-facto* complainant and his family and it is a case in counter. He also submitted that the petitioners are in custody from 07.11.2022, hence, he prayed to grant bail to the petitioners.

4. The 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 previous enmity on account of the land dispute, the petitioners, who are arrayed as A1 & A2, abused the *de-facto* complainant and his family in a filthy language and also assaulted them with wooden logs, causing grievous injuries. He also submitted that the injured has been discharged from the hospital and that there is a case in counter in Crime No.337 of 2022. He further stated that one previous case is pending as against the first petitioner and hence, 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.



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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 injured has been discharged from the hospital, 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.VI, 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 first petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the second petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of one weeks and thereafter, as and when required;



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[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 [(2005)AIR SCW 5560]*;

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

28.11.2022

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To

1. The Judicial Magistrate - VI,
Salem.
2. The Inspector of Police,
Mallur Police Station.
Salem District.
3. The Central Jail,
Salem.
4. The Women Prison, Salem
5. The Public Prosecutor,
High Court of Madras.



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