



Crl.O.P.No. 30667 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.30667 of 2022

1. Shanmugam,
S/o. Chinnamottaiyan

2. Jayamohan,
S/o. Shanmugam

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Alangayam Police Station,
Thirupathur Dt.
(Crime No.170 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.170 of 2022 on the file of respondent police.

For Petitioner : Mr.E.Kannadasan



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For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 29.10.2022 for the alleged offence under Sections 294(b), 323, 324, 307, 506(ii) of I.P.C. subsequently altered into Sec.294(b), 323, 324, 307, 506(ii), 302 I.P.C. in Crime No.170 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to pathway dispute, there is a clash between them, in which, the petitioners along with other accused said to have abused him using filthy language and attacked the defacto complainant, and caused injury. Hence, the criminal case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that it is case in counter. He would submit that earlier, the petitioners were attacked by the defacto complainant, and they have given a complaint,



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which was registered in Crime No.171 of 2022, as a counterblast, the present complaint has been filed. He would submit that they are innocent persons and they are no way connected with the offence. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that totally, there are four accused and the petitioners are arrayed as A1 and A2 and it is a case in counter. He would submit that now the investigation is also completed and there is no previous case pending against the petitioners and the investigation is almost completed. He would submit that if they are released on bail, they would hamper the investigation and tamper the witnesses. However, he opposed to grant bail to the petitioners.

5. Considering the fact that the investigation is almost completed, and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail



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on executing their separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the *learned Judicial Magistrate No.II, Thiruppathur*, 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 Tiruvannamalai and report before the Town Police Station, Tiruvannamalai at 10.30 a.m. daily for the period of three months and thereafter, they shall appear before the respondent police for another period of three months.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;



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(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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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To

1.The Judicial Magistrate No.II,
Thiruppathur.

2.The Inspector of Police,
Alangeyam Police Station,
Thirupathur Dt.

3. The Superintendent
Central Prison, Vellore.

4.The Public Prosecutor,
High Court, Madras



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T.V.THAMILSELVI, J.

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