



Crl.O.P.No.1931 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.01.2023

CORAM :

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

Crl.O.P.No.1931 of 2023

1. Manjula,
W/o. Jothi
2. Chakravarthi,
S/o. Jothi
3. Dhivya,
W/o. Chakravarthi

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Arakkonam Taluk Police Station,
Arakkonam, Ranipet Dt.
(Crime No.414 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.414 of 2022 on the file of respondent police.



WEB COPY



Crl.O.P.No.1931 of 2023

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 31.12.2022 for the alleged offence under Sections 147, 148, 448, 294(b), 324, 323 and 307 of I.P.C. in Crime No.414 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 29.12.2022, due to previous enmity and ancestral property dispute, which was originally owned by defacto complainant's elder sister and she gave the landed property to her brother's wife one Madina. Thereafter, after the death of Madina, the original owner sold the landed property to her sister/A1 for a valid consideration and accordingly, they are in peaceful possession and enjoyment of the same. While being so, the defacto complainant disturbed the petitioners alleging that the landed property was originally given by Ayammal to his brother wife Madina, due to which, the



Crl.O.P.No.1931 of 2023

petitioners along with other accused have questioned the defacto complainant, thereby they abused him in filthy language and also assaulted him with deadly weapons, due to which, he sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioners submitted that that the defacto complainant is none other than the brother of A1 and A2 and A3 are son and daughter-in-law of A1, thereby, they are blood relatives. He would submit that the defacto complainant preferred this false complaint only to harass the petitioners and their family in order to evict them from the subject property, which was purchased by the 1st petitioner for a valid consideration. He would submit that they have not at all committed any offence as alleged by the respondent police and they are no way connected with the offence. He would submit that they have been falsely implicated in this case for statistical purpose. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 30 days from 31.12.2022. Hence, he prayed to grant bail to the petitioners.



Crl.O.P.No.1931 of 2023

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that no previous case pending against the petitioners. He would submit that due to a land dispute, there was a quarrel between the petitioners along with other accused and the defacto complainant, thereby they abused him in filthy language and also assaulted him, due to which he sustained injuries. He would also submit that if they are released on bail, they will tamper the witnesses and hamper the investigation and now injured discharged from the hospital. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances and also 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 on executing 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, Arakkonam*, and on further conditions that::



WEB COPY



Crl.O.P.No.1931 of 2023

(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 1 and 3 shall appear before the respondent police as and when required for interrogation;

(c) the 2nd petitioner shall appear before the respondent police on every Saturday at 10.30 a.m. for the period of six weeks.

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

(e) the petitioners shall not abscond 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



WEB COPY



Crl.O.P.No.1931 of 2023

in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*;
and;

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

30.01.2023

rpp

To

- 1.The Judicial Magistrate, Arakkonam.
- 2.The Inspector of Police,
Arakkonam Taluk Police Station, Arakkonam, Ranipet Dt.
- 3.The Superintendent of Prison,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.1931 of 2023

T.V.THAMILSELVI, J.

rpp

Crl.O.P.No.1931 of 2023

30.01.2023