



Crl.O.P.No.6422 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

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

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1. Babu

2. Vimalraj

3. Kishore

... Petitioners

Vs.

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

(Crime No.46 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.46 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.S.J.Raja Janakiraman

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 01.02.2023, for the offences punishable under Sections 450, 294(b), 324, 307 & 506(ii) of IPC, in Crime No.46 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant, Baskar, who is working as a Fitter in Welding Workshop run by one Sivakumar/victim is that on 25.01.2023, due to the previous enmity with regard to the land dispute between A1 and the said Sivakumar, on the instigation of the first accused, other accused, who are the hire-links of A1, have trespassed into the workshop by wearing masks, abused the said Sivakumar and assaulted him with knife, causing grievous injuries and when the de-facto complainant and other workers attempted to prevent them, the accused have assaulted them with iron rod, causing injuries. Thereafter, the injured were admitted in the hospital. Hence the case.

3. Learned Counsel for the petitioners submitted that the petitioners are innocent persons and due to the previous enmity, a false case



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has been registered against them. He further submitted that the petitioners are in custody from 01.02.2023 and they are prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the existing land dispute, A1 had instigated other accused to assault the owner of the de-facto complainant with knife, during which, the de-facto complainant and others have also sustained with injuries. He further submitted that the injured have been treated as in-patients and they were discharged from the hospital. However, he opposed for grant of bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also considering



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the period of incarceration undergone by the petitioners, 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate-II, 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 Neyveli and report before the Inspector of Police, Neyveli Township Police Station, everyday at 10.30 a.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



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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];***

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

21.03.2023

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To

1. The Judicial Magistrate-II,
Salem.
2. The Inspector of Police,
Pallapatty Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Inspector of Police,
Neyveli Township Police Station,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.



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