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Crl.O.P.No.7168 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

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

Crl.O.P.No.7168 of 2023

1.Nagalingam

2.Anbarasu

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kilkodunkalur Police Station,
Kilkodunkalur,
Tiruvannamalai District.

(Crime No.57 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.57 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.B.Jawahar

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 12.03.2023, for the offences punishable under Sections 294(b), 436, 506(ii) of IPC in Crime No.57 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant, Durai, is that due to the previous enmity with regard to the property dispute, on 11.03.2023, the accused had set fire to the house of the de-facto complainant and when the daughter of the de-facto complainant attempted to set off the fire, the accused have threatened her with dire consequences. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that due to the existing land dispute, the de-facto complainant has lodged a false complaint against the petitioners. He further submitted that the petitioners are in custody from 12.03.2023 and they are



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ready to abide by any other stringent conditions that may be imposed by this Court, hence, he prayed to grant bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the existing civil dispute, the petitioners (A1 & A2), who are father and son respectively, along with other accused have set fire to their neighbor/de-facto complainant's house and also threatened his family members with dire consequences. He further submitted investigation in this case is still pending and also submitted that one previous case is pending as against the petitioners. Therefore, he vehemently opposed 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.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.



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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, Vandavasi**, 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 Chennai and report before the Inspector of Police, C1, Flower Bazaar 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 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]***;



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

31.03.2023

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To

1. The Judicial Magistrate,
Vandavasi.
2. The Inspector of Police,
Kilkodunkalur Police Station,
Kilkodunkalur,
Tiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
C-1 Flower Bazaar Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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