



Crl.O.P.No.7563 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

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

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1.Vellaiyan

2.Prasanthkumar

... Petitioners

Vs.

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

(Crime No.33 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners/accused on bail, in connection with the
Crime No.33 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.R.Jayaprakash

For Respondent : Mr.C.E.Pradap
Government Advocate (Crl.side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 19.03.2023 for the offences punishable under Sections 294(b) and 304 of IPC, in Crime No.33 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant, who is the son of the victim, is that due to previous enmity with regard to pathway dispute, the accused have assaulted the victim and later, he was taken to the hospital, whereas, he died without responding to the treatment. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and due to previous enmity, a false complaint has been given against them. He further submitted that the victim died due to some other reasons, whereas, the petitioners have been unnecessarily roped in this case. He also submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court



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and they are in judicial custody from 19.03.2023. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (crl.side) appearing for the respondent police submitted that the petitioners and the defacto complainant are relatives. He further submitted that due to pathway dispute, the petitioners have assaulted the victim, who is the father of the defacto complainant, due to which, he sustained internal injuries and later, he was taken to the hospital and treated as in-patient, whereas, he died without responding to the treatment. 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) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and also considering 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 No.II, Sankari**, 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, Teynampet 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



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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.

06.04.2023

vk

To

1. The Judicial Magistrate No.II,
Sankari.
2. The Inspector of Police,
Magudamchavadi Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Inspector of Police,
Teynampet Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

vkr

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