



Crl.O.P.No.9487 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

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

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1. Ranjith

2. Patchaiyammal

... Petitioners

Vs.

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

(Crime No.125 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.125 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.W.Camyles Gandhi

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 08.04.2023, for the offences punishable under Sections 294(b), 323& 307 of IPC, in Crime No.125 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant Ponnusamy is that there was already a dispute between the de-facto complainant's family and the adjacent land owner/accused, with regard to the grazing of cattle. With regard to the same, on 07.04.2023, when the de-facto complainant's father was grazing cattle in his land, the accused had picked up a quarrel with him, abused him in a filthy language and also assaulted him with hands and stones, due to which, he sustained injuries. 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 further submitted that due to the previous dispute, there was a



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quarrel between the petitioners and the father of the de-facto complainant, during which, both of them attacked each other, whereas, the de-facto complainant has given a exaggerated complaint as against the petitioners. He further submitted that the petitioners are in custody from 08.04.2023 and they are ready 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 respondent submitted that on account of the previous enmity, with regard to the grazing the cattle, the petitioners had abused and assaulted the de-facto complainant's father, due to which, he sustained injuries. He also submitted that the injured has been discharged from the hospital and further submitted that no previous case is pending against the petitioners. 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.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that the injured has been discharged from the hospital and also considering 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 separate bonds each 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, Sankagiri**, 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 Attur and report before the Inspector of Police, Attur Police Station, everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders. However, it is made clear that the



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petitioner shall not enter into the jurisdictional limits of the respondent police, 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]*;

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

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To

1. The Judicial Magistrate No.II,
Sankagiri.
2. The Inspector of Police,
Magudamchavadi Police Station,
Salem District.
3. The Central Prison,
Salem.
4. Special Prison for Women,
Salem.
5. The Inspector of Police,
Attur Police Station,
Salem.
6. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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