



WEB COPY



Crl.O.P.No.11140 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2023

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.11140 of 2023

1.Marimuthu

2.Kandasamy

..

. Petitioners/Accused

Vs.

State Rep by

The Inspector of Police,

Pallapatty Police Station,

Salem District.

(Crime No.156 of 2023)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in the event of apprehending arrest
in the Crime No.156 of 2023 on the Inspector of Police, Pallapatty Police
Station, Salem District.

For Petitioners : Mr.M.Mohamed Saifulla

For Respondent : Mr. E.Raj Thilak

Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 13.04.2023, for the offences punishable under Sections 294(b),



324, 307 and 506(ii) of IPC in Crime No.156 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners are brother and father of the *de facto* complainant respectively and due to a civil dispute between themselves, the petitioners abused the *de facto* complainant in filthy language and assaulted him with knife and due to which the *de facto* complainant suffered injuries. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 13.04.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would vehemently oppose to grant bail to the petitioners stating that the petitioners have abused the *de facto* complainant in filthy language and attacked him with knife and due to which he sustained injuries. He further submitted that the injured has been discharged from the hospital.



5. Heard the learned Counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police.

6. Considering the above facts and circumstances of the case and the fact that the injured has been discharged from the hospital and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners on the following conditions;

[a] 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 Court-II, Salem.**

[b] 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;

[c] the petitioners shall report before the Thiruchengode Town Police Station, for a period of fifteen days at 10.30a.m., and thereafter before the respondent police until further orders.

[d] the petitioners shall not abscond either during investigation or trial;

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned



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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]***;

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

11.05.2023

bkn/ssr

To

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



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SUNDER MOHAN,J.,

bkn/ssr

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