



Crl.O.P.No.12938 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

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

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1. Gangatharan

2. Bairaj

3. Kumarasan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Anchetty Police Station,
Krishnagiri District.

(Crime No.89 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to grant bail to the petitioners in Crime No.89 of 2023 pending
investigation on the file of respondent Police.

For Petitioners : Mr.E.Kannadasan

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 23.05.2023, for the offence punishable under Sections 147, 294(b), 323, 324, 506(ii) of IPC @ Sections 147, 148, 294(b), 323, 324, 506(ii) & 307 of IPC, in connection with Crime No.89 of 2023, registered on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant/Sikkanarasappa, is that there exists a property dispute between the de-facto complainant's family and the petitioners' family. While so, on 22.05.2023, since the petitioners and their family members were ploughing the disputed land, the de-facto complainant and his family members had questioned the same, during which, the accused had abused the de-facto complainant and his family members in a filthy language and assaulted them with knife and hands, due to which, they sustained grievous injuries. Hence the case.



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3. Learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that on 22.05.2023, there was a wordy quarrel between the petitioners' family and the de-facto complainant's family, during which, both the parties attacked each other and sustained injuries. He further submitted that with regard to the scuffle, the petitioners' have also lodged the complaint against the de-facto complainant and his family members in Crime No.90 of 2023. He also submitted that the petitioners are in custody from 23.05.2023 and they are ready to abide by any 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 it is a case and a case in counter. He further submitted that due to the existing civil dispute, the petitioners and their family members have abused and assaulted the de-facto complainant and his family members, causing grievous injuries. He also submitted that one previous case is pending against the first and the second petitioners. He further submitted that investigation in this case is pending and the injured have also been discharged from the hospital on 28.05.2023, however, he



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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 the learned counsel on either side and taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain condition.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond 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 District Munsif cum Judicial Magistrate, Denkanikottai**, 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;



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[b] the petitioners shall report before the respondent Police, everyday at 10.30a.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]*;

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

12.06.2023

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A.D.JAGADISH CHANDIRA.,J.

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To

1. The District Munsif cum Judicial Magistrate,
Denkanikottai.
2. The Inspector of Police,
Anchetty Police Station,
Krishnagiri District.
3. The Sub Jail,
Krishnagiri.
4. The Public Prosecutor,
High Court of Madras.

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