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Crl.O.P.No.13830 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM

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

Crl.O.P.No.13830 of 2023

1.Vijay
2.Ilavarani

... Petitioners

Vs.

State rep by
The Inspector of Police
Morappur Police Station,
Dharmapuri District.

Crime No.162 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.162 of 2023 on the file
of the respondent police.

For Petitioners : Mr.C.Prabakaran

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 29.05.2023 for the offences punishable under Sections 367,
294(b), 323, 355, 326 and 506(ii) of IPC in Crime No.162 of 2023 on the file



of the respondent police, seek bail.

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2. The case of the prosecution is that due to property dispute, the petitioners have picked up a quarrel with the defacto complainant, during the quarrel, they have abused the defacto complainant in a filthy language and assaulted him with wooden log and by using hands. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the first petitioner is son of the victim and the second petitioner is son-in-law of the victim. He further submitted that the defacto complainant was living separately and that due to property dispute, the incident has occurred. He further submitted that the major part of the investigation has been completed and the petitioners are in custody from 29.05.2023. Hence, he prayed for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioners are son and son-in-law of the defacto complainant and on account of property dispute, the petitioners have abused the defacto complainant in a filthy language and assaulted him with rice plunger and by using hands, due to which, he sustained injuries. He further submitted that the injured has been discharged from the hospital.



Hence, he opposed for grant of bail to the petitioners.

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5. Heard the learned Counsels and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, 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 of bail to the petitioners with certain condition.

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**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Harur, Dharmapuri District**, 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, K.K. Nagar Police Station, everyday at 10.30 a.m., for a period of two weeks and thereafter, report before the



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respondent Police, 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]*;

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

21.06.2023

vkr

To

1. The District Munsif cum Judicial Magistrate,
Harur, Dharmapuri District.
2. The Inspector of Police
Morappur Police Station,
Dharmapuri District.
3. The Inspector of Police,
K.K.Nagar Police Station,



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Chennai.

4. The Sub Jail,
Dharmapuri District.
5. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA,J.,



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