



Crl.O.P.No.14637 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.14637 of 2023

1.Dhanalakshmi
2.Sreejith

...Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Hudco Police Station,
Hosur, Krishnagiri District.
(Crime No.181 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to release the petitioners on bail pending investigation in Crime No.181 of 2023 on the file of Inspector of Police, Hosur Police Station, Krishnagiri District.

For Petitioners : Mr.N.Edwin Jeyakumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 07.06.2023 for the offences punishable under Sections 3(1), 5(1)(a) of ITP Act in Crime No.181 of 2023 on the file of the respondent police, seek bail.

2. The learned counsel for the petitioners submitted that, petitioners are charged for the offences under Sections 3(1), 5(1)(a) of ITP Act in Crime No.181 of 2023. They are innocent and they are in judicial custody from 07.06.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) oppose this petition, on the ground that, petitioners are from out of Tamil Nadu i.e., 1st petitioner is from Karnataka and 2nd petitioner is from Kerala. If they are released on bail, it will be difficult to secure them for facing the trial. Therefore, he prays for dismissing this petition.



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4. In the nature of the offences and facts of the case that petitioners are in judicial custody from 07.06.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners.

5. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Hosur** 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 report before the respondent police daily at 10.30.a.m., until further orders.

[c] the petitioners shall not abscond either



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

04.07.2023

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To

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- 1.The Judicial Magistrate No.II,
Hosur.
- 2.The Central Prison, (Women prison)
Salem.
- 3.Sub-Jail,
Dharmapuri.
- 4.The Inspector of Police,
Hudco Police Station,
Hosur, Krishnagiri District.
- 5.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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