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CrI.OP.No.16087 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.07.2023

CORAM

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

CrI.OP.No.16087 of 2023

1. Silambarasan

2. Divya @ Divya Rani

3. Indhairani

..Petitioners

Vs.

The State Rep. By
The Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham, Vellore District.
Crime No.294 of 2023

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime No.294 of 2023 on the
file of the respondent police.

For Petitioners : M/s.G.Vinodh Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 23.06.2023 for the offences punishable under Sections 294(b), 324, 506(ii) of IPC altered into Sections 448, 294(b), 324, 506(ii), 307 of IPC in Crime No.294 of 2023, on the file of the respondent police seeks bail.

2. The learned counsel for the petitioners submitted that, petitioners are innocent persons and they have been falsely implicated in a case registered for the offence under Sections 294(b), 324, 506(ii) of IPC altered into Sections 448, 294(b), 324, 506(ii), 307 of IPC in Crime No.294 of 2023. Hence, he seeks bail to the petitioners.

3. In response, learned Government Advocate (Crl. Side) submitted that, defacto complainant's husband had illicit relationship with the 2nd accused. On coming to know about this, defacto complainant scolded the 2nd accused. Thereafter, defacto complainant's husband stopped talking with the 2nd accused. Due to which, there arose enmity between the defacto complainant and accused. On 14.06.2023 at about 10.00.p.m., accused came to the house of the defacto complainant. 1st



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accused stated attacking the defacto complainant's husband with knife on his head. Other accused started attacking the defacto complainant's husband with wooden log and hands. As a result, defacto complainant's suffered grievous injuries and he was treated in the hospital and discharged.

4. Considering the nature, facts and circumstances of the case and the injured victims had been discharged from the hospital and the petitioners is in Judicial Custody from 23.06.2023 and that the 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 a 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, Gudiyatham** and on further conditions that :-



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[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 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.

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To

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1. Judicial Magistrate, Gudiyatham
2. The Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham, Vellore District.
3. Special Prison for Women,
Vellore.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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