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CrI.OP.No.17330 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.08.2023

CORAM

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

CrI.OP.No.17330 of 2023

1. Sathiyaraj

2. Sabari Nayaki

..Petitioners

Vs.

The State Rep. By
The Station House Officer,
Pudupettai Police Station,
Cuddalore District.
Crime No.239 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.239 of 2023
pending investigation on the file of the respondent police.

For Petitioners : Mr.A.Ramalingam

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 30.05.2023 for the offences punishable under Section 294(b), 323, 324, 307, 506(ii) of IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.239 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), 323, 324, 307, 506(ii) of IPC read with Section 4 of Tamil Nadu Prohibition of Women Harassment Act. Petitioners are in Judicial Custody from 30.05.2023. Thus, he seeks bail to the petitioners.

3. The learned Additional Public Prosecutor submitted that, injured victims are discharged from the hospital on 20.07.2023.

4. The reading of the FIR allegations shows that, on



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30.05.2023 at about 11.00.a.m., there was a fall of coconut tree branch from the accused' house to the defacto complainant's house. When defacto complainant informed about this to the accused, one Sabari Nayaki responded saying that, defacto complainant may vacate the house. When that was happening, accused persons namely Priya, Sathyaraj and Gowtham came there and started scolding the defacto complainant in filthy language. Defacto complainant's husband Balamurugan and her father-in-law Sundharamurthy intervened and protested against the accused for abusive language. For which, accused Sathyaraj brought aruval and started attacking Balamurugan on his head. Balamurugan suffered injuries on his right and left hand. He was also beaten by Gowtham on his head and anklet using iron rod. Not only that, when defacto complainant's uncle tried to intervene, he was also attacked by the accused persons. Defacto complainant's jacket was torn by Sathyaraj and she was also beaten by Sabari Nayaki and Priya.

4. It is seen that, this is the second bail petition filed by the petitioners. This Court on 04.07.2023 in Crl.O.P.No.13408 of 2023



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dismissed the bail petition filed by the petitioners on the ground that, injured victims are still taking treatment in the hospital. It is now reported by the learned Additional Public Prosecutor that, injured victims are discharged from the hospital.

5. Considering the change in circumstances that the injured victims are discharged from the hospital and the petitioners are in Judicial Custody from 30.05.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioners are ordered to be released on bail on their executing special 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, Panruti** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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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.

02.08.2023

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To



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1. Judicial Magistrate No.II,
Panruti.
2. The Station House Officer,
Pudupettai Police Station,
Cuddalore District.
3. Cuddalore Prison.
4. The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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