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Crl.O.P.No.19331 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

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

Crl.O.P.No.19331 of 2023

1. Murugan
2. Vishnu

...Petitioners

Vs.

State Represented by,
Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore District.
Crime No.404 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioners on bail in Crime No.404 of 2023 on the file of the respondent police.

For Petitioners : Mr.C.Ramkumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 23.07.2023 for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.404 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioners submitted that, there is a dispute between the defacto complainant and his second wife. He deserted his second wife Renuka Devi. Renuka Devi requested the help of the petitioners to negotiate for joint living. However, false and exaggerated complaint was given by the defacto complainant. Petitioners are political persons and due to political activities, certain cases are registered against 1st petitioner. Petitioners are in Judicial Custody from 23.07.2023. Thus, he seeks bail to the petitioners.

3. In reply, the learned Additional Public Prosecutor submitted that, on 22.07.2023, defacto complainant visited the house of his first wife. While he was returning, at about 03.30.p.m., the first petitioner Murugan questioned the defacto complainant as why he was fighting



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with Renuka Devi, who is the second wife of the defacto complainant.

Petitioners beaten the defacto complainant on his nose and on his face using wooden log. As a result, he suffered injuries. He further submitted that, first petitioner has eleven previous cases and the second petitioner has six previous cases.

4. It is seen from the FIR allegations that the main cause for the alleged incident was the dispute between the defacto complainant and his second wife Renuka Devi. Petitioners tried to resolve the issues, but by using force. Injured was treated in the hospital and discharged. Though, there are previous cases pending against the 1st petitioner, those cases are registered under Sections 323 and 324 of IPC and 151 of Cr.P.C and other cases are registered during the Covid period. Taking all these aspects into consideration, this Court is inclined to grant bail to the petitioners.

5. Accordingly, petitioners are ordered to be released on bail



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on his 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 No.5, Coimbatore** 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 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



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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.

04.09.2023

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To

- 1.Judicial Magistrate No.5
Coimbatore.
- 2.Central Prison,
Coimbatore.
- 3.Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore District.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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