



CrI.OP.No.20478 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.20478 of 2023

Ponnuvel

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Thalaivasal Police Station,
Salem District.
(Crime No.247 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.247 of 2023 on the file of respondent Police. (Crime Number Amended as per order dated 11.09.2023 in CrI.M.P.No.14414 of 2023 in CrI.O.P.No.20478 of 2023)

For Petitioner : Mr.Deepanuday

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.08.2023 for the offences punishable under Section 147, 148, 294



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(b), 324, 307 I.P.C and Section 3 (1) of Prevention of Damage to Public Property Act, in Crime No.247 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that there is a property dispute between the family of defacto-complainant and accused. There was also civil suit was conducted in this regard. Due to previous enmity, defacto-complainant gave a exaggerated and false complaint. Petitioner is in judicial custody from 09.08.2023. Thus, he prays for grant of bail.

3.In response, the learned Additional Public Prosecutor submitted that as stated by the learned counsel for the petitioner, there is a property dispute between the family of defacto-complainant and the accused. In a civil suit filed, the case ended in favour of defacto-complainant's family. Even thereafter, there used to be frequent fight between them. On 08.08.2023 at about 09.30 p.m, when defacto-complainant and his family members were speaking near Muyar Karadu Junction, the accused came there and started attacking defacto-complainant and others with iron rod



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and wooden log. Then they also damaged car bearing No.TN 25 AE 5810. Injured were taken to hospital and treated from 08.08.2023 and discharged.

4.Considered the rival submissions and perused the records.

5.Considering the nature of the incident, submission of learned counsel appearing for parties, that petitioner is in judicial custody from 09.08.2023 and that material part of investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner with conditions.

6.Accordingly, the petitioner is ordered to be released on bail 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 – 2, Attur, Salem**, 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 petitioner shall report before the respondent Police daily at 10.00.a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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

- 1.The Judicial Magistrate – 2,
Attur, Salem.
- 2.The Inspector of Police,
Thalaivasal Police Station,
Salem District.
- 3.Central Prison
Salem.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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