



Crl.OP.No.21309 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.21309 of 2023

1.Prabhakaran
2. Rajendran

...Petitioners

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 petitioners on bail pending investigation in Crime
No.247 of 2023 on the file of respondent Police.

For Petitioners : Mr.Deepanuday

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER



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The petitioners, who were arrested and remanded to judicial custody on 09.08.2023 for the offences punishable under Sections 147, 148, 294 (b), 324, 307 of 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 petitioners submitted that, there is a property dispute between the family of defacto-complainant and accused. There was also a civil suit conducted in this regard. Due to previous enmity, defacto-complainant gave a exaggerated and false complaint. He further submitted that, co-accused in this case had been granted bail by this Court in Crl.O.P.No.20478 of 2023 on 13.09.2023. Petitioners are 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 petitioners, 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



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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 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 and having regard to the fact that, co-accused had been granted bail by this Court and the petitioners are 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 petitioners with conditions.

6.Accordingly, the petitioners are ordered to be released on bail on



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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 – 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 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 10.00.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



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[(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

15.09.2023

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To

1.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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