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CrI.OP.No.21327 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.21327 of 2023

1. D.Suresh
2. Arumugam
3. Basker
4. Santhanapandiyan

...Petitioners

Vs.

The State Rep by
Inspector of Police,
South Police Station,
Tiruppur.
(Crime No.631 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in connection with the case in Crime No.631 of 2023 pending investigation on the file of the respondent Police.

For Petitioners : M/s.A.Jagadeeswari

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 14.08.2023 for the offences punishable under Sections 147, 148, 452, 427, 294(b), 323, 324, 506(ii), 307 of IPC in Crime No.631 of 2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioners submitted that, petitioners are innocent persons and they have been falsely implicated in a case registered in Crime No.631 of 2023 for the offences punishable under Sections 147, 148, 452, 427, 294(b), 323, 324, 506(ii), 307 of IPC. In fact, one of the accused in this case, namely Velusamy, had given complaint against the defacto complainant in this case, namely Thangapal and others. Based on which, FIR in Crime No. 630 of 2023 was registered for the offences under Sections 294(b), 324 and 506(2) of IPC. In the said case, Velusamy suffered injuries. However, no accused was arrested in Crime No.630 of 2023. Petitioners were arrested based on the subsequent false complaint. Petitioners are in Judicial Custody from 14.08.2023. Thus, he seeks bail to the petitioners.



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3. Learned Additional Public Prosecutor submitted that, defacto complainant and his brother Parthiban owns a building at Pattukottaiyar Nagar. One Arumagam is running saloon shop in the building and one Velusamy is running Hindu Munnani Office in the same building. Defacto complainant belongs to Chinnamma Peravai. He pasted a poster in the event of Chinnamma's birthday on the shutter of the Arumugam's saloon shop. Arumugam tore the poster. Defacto complainant questioned Arumugam as to why he had torn the poster. Arumugam informed about this to Velusamy. Velusamy, inturn, shouted at the defacto complainant. Thereafter, defacto complainant returned home. At about 10.30.p.m. Velusamy and some others belong to Hindu Munnani Organization trespassed into the defacto complainant's house with deadly weapons and started attacking the defacto complainant and also made death threat. As a result, defacto complainant suffered injuries. Injured has been discharged from the hospital.

4. Considering the circumstances leading to the incident alleged



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in this case and in the counter case and the fact that injured has been discharged from the hospital and the petitioners are in Judicial Custody from 14.08.2023 and that 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 separate 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, Tiruppur** 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.



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[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.

20.09.2023

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G.CHANDRASEKHARAN. J.



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Sma

To

1. Judicial Magistrate No.II,
Tiruppur.

2. Inspector of Police,
South Police Station,
Tiruppur.

3. District Jail,
Tiruppur.

4. The Public Prosecutor,
High Court of Madras

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