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CrI.OP.No.21600 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.21600 of 2023

1. Kottappa
2. Naveen Kumar
3. Appi @ Sampath @ Sampangi

...Petitioners

Vs.

The State Rep by
Inspector of Police,
Thally Police Station,
Krishnagiri District.
(Crime No.153 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.153 of 2023 pending investigation on the file of the respondent Police.

For Petitioners : Mr.P.M.Jayachandran

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



CrI.OP.No.21600 of 2023

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 19.06.2023 and 26.06.2023 respectively for the offences punishable under Sections 147, 148, 448, 294(b), 324, 307 and 302 of IPC in Crime No.153 of 2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioners submitted that, petitioners are falsely implicated in this case registered in Crime No. 153 of 2023 for the offences under Sections 147, 148, 448, 294(b), 324, 307, 302 of IPC. 1st and 3rd petitioners are in Judicial Custody from 26.06.2023 and the 2nd petitioner is in Judicial Custody from 19.06.2023. Thus, he prays for grant of bail to the petitioners.

3. Learned Additional Public Prosecutor submitted that, first accused and deceased are sons of same father through different mothers. They have property dispute for more than five years in connection with 8 cents of land and there were frequent fight between them. On 18.06.2023 at about 09.00 a.m, first accused and his sisters along with



CrI.OP.No.21600 of 2023

some others visited the house of the defacto complainant. At that time, defacto complainant's father and mother were not there, since, they have gone to attend funeral. On the same date at about 04.30p.m., accused in this case came to the defacto complainant's house with aruval, cricket stump and wooden logs and abused the defacto complainant's father and his family members and started attacking everyone using aruval and wooden log. As a result, the deceased suffered grievous injuries and died. In the said incident, defacto complainant, his mother and brother had also sustained injuries.

4. It is seen that, petitioners are in Judicial Custody for more than ninety days. Respondent police ought to have completed the investigation and filed final report by this time. When that is not done, petitioners are entitled for mandatory bail under Section 167(2) of Cr.P.C. Thus, this Court is inclined to grant default bail to the petitioners.

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



CrI.OP.No.21600 of 2023

satisfaction of the **learned District Munsif cum Judicial Magistrate,**

Denkanikottai 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 [(2005)AIR SCW 5560].



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CrI.OP.No.21600 of 2023

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

20.09.2023

Sma

To

1. District Munsif cum Judicial Magistrate, Denkanikottai
2. Inspector of Police,
Thally Police Station,
Krishnagiri District.
3. Central Jail,
Salem.
4. The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



WEB COPY



Crl.OP.No.21600 of 2023

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Crl.OP.No.21600 of 2023

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