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Crl.OP.No.23123 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.OP.No.23123 of 2023

1.Annadurai,
S/o.Chinnusamy

2.Surya
S/o.Annadurai

...Petitioners/Accused No.1 and 2

Vs.

State represented by its
Inspector of Police,
Thammampatty Police Station,
Salem District.
(Crime No.174 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail relating to Crime No. 174 of
2023 on the file of the respondent police.

For Petitioners : Mr.K.R.Samratt

For Respondent : Mr.R. Kishore Kumar
Government Advocate (Criminal Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 10.08.2023 for the offences punishable under Sections 294(b), 323, 324, 506(ii) and 307 of IPC in Crime No.174 of 2023 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioners submitted that petitioners have been falsely arrayed as accused Nos.1 & 2 in this case. They are innocent and prayed for grant of bail to the petitioners.

3.It is stated by the learned Government Advocate (Crl.Side) that the defacto complainant is actually a neighbour of the petitioners herein and there was a dispute between them in cutting of trees. Both sides assaulted each other. It is further stated that the injured was treated and discharged from the hospital. The first petitioner had also given a counter complaint in Crime No.175 of 2023 against the defacto complainant. Thus, he prayed for dismissal of this petition.

4.Taking into consideration of the facts and the period of



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incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions.

5. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate No-II, Attur** 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 everyday at 10.30a.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.



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[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.

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To

1.The Judicial Magistrate No-II, Attur

2.The District Prison,
Attur.

3.The Public Prosecutor,
High Court of Madras.

4.The Inspector of Police,
Thammampatty Police Station,
Salem District.
(Crime No.174 of 2023)

C.V.KARTHIKEYAN. J.



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