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Crl.OP.No.23127 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.23127 of 2023

1.Annamalai
S/o.Munusamy

2.Suburamani
S/o.Munusamy

...Petitioners/A1 & A2

Vs.

State represented by its
Inspector of Police,
Thellar Police Station,
Thiruvanamalai – 604 406
(Crime No.180 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. 180 of 2023 on the file of the respondent police.

For Petitioner : Mr.D.Parventhan

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 16.09.2023 for the offences punishable under Sections 147, 148, 457, 380, 506(1) of IPC r/w Section 3(1) of TNPPDL Act, 1992, in Crime No.180 of 2023, on the file of the respondent police, seek bail.

2.The learned counsel for the petitioners submitted that petitioners are arrayed as accused Nos.2 and 3. It is stated that their mother had been murdered and in this connection, FIR in Crime No.175 of 2023 had been registered by the respondent police, wherein, the accused was one Kannan. He further submitted that the petitioners are innocent and they have been falsely implicated in this case. Thus, he prays for grant of bail to the petitioners.

3.The learned Government Advocate (Criminal side) stated that the petitioners herein and their father had gone over to the house of the defacto complainant and caused damage to the motor pump and asbestos sheet. Thus, he prayed for dismissal of this petition.



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4.Taking into consideration that there is a reasonable reason that since the mother of the petitioners herein was murdered and therefore, petitioners had a wordy quarrel with the defacto complainant during the funeral ceremony, 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, Vandavasi** 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 10.30.a.m., until further orders and two sureties.

[c] the petitioners shall not abscond either during



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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].

[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,
Vandavasi



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2.The Central Prison,
Vellore.

3.The Public Prosecutor,
High Court of Madras.

4.The Inspector of Police,
Thellar Police Station,
Thiruvananthai – 604 406
(Crime No.180 of 2023)

C.V.KARTHIKEYAN, J.

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