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Crl.O.P.Nos.23824 & 23872 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2023

CORAM

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

Crl.O.P.Nos.23824 & 23872 of 2023

Satheesh Kumar
2023

... Petitioner in Crl.O.P.No.23824 of

Ramachandran
2023

... Petitioner in Crl.O.P.No.23872 of

Vs.

The State rep by
The Inspector of Police,
Kariyakoil Police Station,
Salem District.
Crime No.78 of 20223

... Respondent

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners / Accused on bail in Crime No.78 of 2023 pending on the file of the respondent Police.

For Petitioner
in Crl.O.P.No.23824 of 2023 : Mr.D.Ashok Kumar

For Petitioner
in Crl.O.P.No.23872 of 2023 : Mr.A.Ramesh

For Respondent : Mr.R.Kishore Kumar
in both Crl.O.Ps. Government Advocate (Crl.Side)



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COMMON ORDER

The petitioners/A1 & A2 who were arrested and remanded to judicial custody on 06.09.2023, seek bail in Crime No.78 of 2023, which was registered by the respondent Police for the offences under Sections 307 r/w 120B of IPC.

2.It is the case of the prosecution that the defacto complainant had given a sum of Rs.5,00,000/- to A1 and A1 had promised that he would get a job and he neither got a job nor return back the amount.

3.Independently, it is also stated that A2 who is also the relative of the defacto complainant had an existing land dispute with the defacto complainant.

4. It is therefore stated that all the accused had joined together and had come to the house of the defacto complainant and had assaulted her and her mother.

5.It is the contention of the learned counsel for the second accused that A2 was not present at the time of occurrence.

6.Taking into consideration the period of incarceration and also of the fact that the injured had been discharged from the hospital, this Court is



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inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on condition to execute 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.I, 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 petitioner/A1 in Crl.O.P.No.23824 of 2023 shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) and the petitioner/A2 in Crl.O.P.No.23872 of 2023 shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.78 of 2023 before the concerned Judicial Magistrate within in a period of two weeks from the date of receipt of a copy of this order. On such deposit, the Magistrate concerned may handed over the said amount to the defacto complainant;

[c] the petitioners shall report before the respondent Police, daily at 10.30 am., until further orders;

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or



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witness either during investigation or trial.

[f] 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].

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

03.11.2023

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To

1. The Judicial Magistrate No.I, Attur.
2. The Inspector of Police,
Kariyakoil Police Station,
Salem District.
3. The District Jail, Attur.
4. The Public Prosecutor,
High Court of Madras.
5. The Central Jail,
Salem.



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C.V.KARTHIKEYAN, J.

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