



CrI.O.P.No.26238 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

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

CrI.O.P.No.26238 of 2023

1.Siva S/o. Rajavelu
2.Bharathi W/o. Siva

... Petitioners/ Accused-1 & 5

Vs.

The State rep by
The Inspector of Police,
Jolarpet Police Station,
Jolarpet, Thirupathur District.

(Crime No.426 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioners on bail in Crime No.426 of 2023 on the
file of the respondent police on such terms and conditions.

For Petitioners : Mr.G.Vinodhkumar

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



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ORDER

The Petitioners seek bail in Crime No.426 of 2023, registered by the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 435, 436, 506(ii) of IPC and Section 3 of TNPPDL Act, with respect to an occurrence which took place on 27.10.2023.

2.The 1st petitioner is A1 and the 2nd petitioner is A5. They both are husband and wife.

3.It is stated that the grandson of the defacto complainant fell in relationship with the daughter of the petitioners herein and agitated over that, they had gone over to the house of the defacto complainant and entered into a quarrel, which escalated into violence. They had also damaged the household articles worth about Rs.4,00,000/-. It is stated that subsequently the daughter has married the grandson of the defacto complainant.



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4.Taking all these factors into consideration, I am inclined to grant bail to the petitioner subject to the following conditions:

5.Accordingly, the Petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Tirupathur, 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 must not interfere with the life of their daughter, must not cause disturbances and must accept to that marriage. They both must file an affidavit in that regard before the Judicial Magistrate No.I, Tirupathur.

[c] Quite apart from from that since it is stated that the accused had caused damages to the properties worth Rs.4,00,000/-, both of them must jointly deposit a sum of Rs.1,00,000/- to the credit of Crime No.426 of 2023. On such deposit, the Judicial Magistrate No.I, Tirupathur, may hand over the said amount to the daughter, who has since married and who can use it for her household expenses.



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[d] the Petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

[e] the Petitioners shall not abscond either during investigation or trial.

[f] the Petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] 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].

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

6.The Judicial Magistrate No.I, Tirupathur, may ensure that there is no breach of any afore mentioned conditions.

20.11.2023

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To



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- 1.The Judicial Magistrate No.I, Tirupathur.
- 2.The Central Prison, Vellore.
- 3.The Special Prison for Women, Vellore.
- 4.The Inspector of Police,
Jolarpet Police Station,
Jolarpet, Thirupathur District.
- 5.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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