



WEB COPY



Crl.O.P.No.27228 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

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

Crl.O.P.No.27228 of 2023

Balu S/o. Muthusamy

... Petitioner/Accused-1

Vs.

The State represented by
The Sub-Inspector of Police,
Kariyakoil Police Station,
Salem District.

(Crime No.98 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

prayed to enlarge the petitioner on bail in Crime No.98 of 2023 on the file of
the respondent police on such terms and conditions.

For Petitioner : Mr.M.Elumalai

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



Crl.O.P.No.27228 of 2023

WEB COPY

ORDER

The petitioner/A1 seeks bail in Crime No.98 of 2023, registered by the respondent police for the offences punishable under Sections 147, 148, 294(b), 447, 506(ii) of IPC and Section 3(1) of TNPPDL Act, 1992. The petitioner had been taken into custody on 19.11.2023.

2.It had been stated that the petitioner and A2, had dispute with the defacto complainant over ownership of the land of the defacto complainant at Melpoondi Village, Kunnur Post.

3.It had been stated that when the defacto complainant sprayed pesticide in the land of the petitioner, this has escalated the issue. It had been stated that consequently the accused had caused damage to several trees of the defacto complainant.

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

5.Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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 Judicial Magistrate No.I, Attur, Salem District, and on further conditions that:



Crl.O.P.No.27228 of 2023

WEB COPY

[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 shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.98 of 2023 before the Judicial Magistrate No.I, Attur, and on such deposit, the learned Judicial Magistrate No.I, Attur, may hand over the said amount to the defacto complainant.

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

[e] the petitioner shall not tamper with evidence or 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

07.12.2023

ata



WEB COPY



CrI.O.P.No.27228 of 2023

C.V.KARTHIKEYAN, J.

ata

To

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

CrI.O.P.No.27228 of 2023

07.12.2023