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Crl.O.P.Nos.27527 & 27585 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.Nos.27527 & 27585 of 2023

1.Vallarasu S/o. Selvam
2.Karthi S/o. Duraisamy
3.Cheran S/o. Ramesh

... Petitioners/Accused 5 to 7
in Crl.O.P.No.27527 of 2023

Brammamoorthy S/o. Mariyappan

... Petitioner/Accused -1
in Crl.O.P.No.27585 of 2023

Vs.

The State represented by
The Inspector of Police,
Magudanchavadi Police Station,
Salem District.

(Crime No.346 of 2023)

... Respondent in both Crl.O.Ps.

Common prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C., prayed to enlarge the petitioners on bail in Crime No.346 of 2023 on the file of the respondent.

(In both petitions)

For Petitioners : Mr.R.Sasikumar

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



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COMMON ORDER

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A1 has filed Crl.O.P.No.27585 of 2023 and A5 to A7 have filed Crl.O.P.No.27527 of 2023. Both in Crime No.346 of 2023, registered by the respondent for the offences punishable under Sections 120B, 147, 148, 294(b) and 307 of IPC. A1 had been taken into custody on 08.11.2023 and A5, A6 and A7 had been taken into custody on 11.10.2023.

2.It is stated that on 28.09.2023, the statement of the defacto complainant had been recorded when he was admitted to hospital owing to injuries suffered.

3.The learned counsel for the petitioner in both the petitions stated that there was an existing civil dispute between A1 on the one hand and the family members of the defacto complainant on the other hand. There is also a suit in O.S.No.534 of 2022 pending before the Sub-court, Sangari.

4.It is stated that owing to that particular civil dispute there were frequent quarrels between A1 on the one hand and the defacto complainant and his family members on the other hand, which escalated into violence.



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There was also earlier incidents when there was an assault, consequent to which also FIR had been registered.

5.It is stated that on 28.09.2023, the defacto complainant had been assaulted by all the accused. He was discharged from hospital on 05.10.2023 but however, taking into consideration the overt act as against the accused 5, 6 and 7 namely the petitioners herein in Crl.O.P.No.27527 of 2023, I am inclined to grant bail to them alone. The application seeking bail filed by the A1/the petitioner in Crl.O.P.No.27585 of 2023 is dismissed for the present. At this juncture, the learned counsel for the petitioner in Crl.O.P.No.27585 of 2023 seeks permission of this Court to withdraw the present bail application and he has also made an endorsement in the Court bundle to that effect. Accordingly, Crl.O.P.No.27285 of 2023 is dismissed as withdrawn.

6.Accordingly, the petitioners in Crl.O.P.No.27527 of 2023 is 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.II, Sangari, and on further conditions that: -

[a] the sureties shall affix their photographs and Left Thumb



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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.

[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.

[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, Sangari.
- 2.The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
- 3.The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.



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