



Crl.O.P.No.28208 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

CORAM

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

Crl.OP.No.28208 of 2023

Mahendran

...Petitioner

Vs.

State rep.by
The Inspector of Police,
Alangayam Police Station,
Alangayam, Thirupathur District.
Crime No.282 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.282 of 2023 on the file of the respondent police.

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

ORDER

The petitioner in Crime No.282 of 2023 registered by the respondent Police for the offences under Sections 447 IPC r/w Section 3 of TNPPDL Act and remanded to judicial custody on 24.10.2023 seeks bail.



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2.It is stated that the present petitioner is one of the accused in the murder of the father of the defacto complainant. There has been a continuous dispute over the land between the defacto complainant and the family members of the present petitioner. It was owing to such dispute that the father of the defacto complainant was earlier murdered, in which, Crime No.194 of 2022 had been registered and the trial is still in progress.

3.The defacto complainant had put 5 CCTV cameras in his agricultural land and the accused had broken all the cameras leading to registration of the first information report.

4.Earlier application seeking bail was dismissed on 15.11.2023 in Crl.O.P.No.25953 of 2023. One change in circumstances is that the other accused was granted bail by this Court. That is a significant change in circumstances.

5.Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions.



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6. 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.III, Thirupathur 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 shall report before the respondent Police, daily at 10.00 a.m., until further orders.

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

[d] the petitioner 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 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



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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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18.12.2023

To

1. The Judicial Magistrate No.III, Thirupathur.

2.The Inspector of Police,
Alangayam Police Station,
Alangayam, Thirupathur District.
Crime No.282 of 2023.

3.Central Prison, Vellore.

4.The Public Prosecutor, Madras High Court.

C.V.KARTHIKEYAN, J.



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