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Crl.O.P.No.28410 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM

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

Crl.O.P.No.28410 of 2023

Brammamorthy S/o. Mariyappan

... Petitioner/Accused-1

Vs.

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

(Crime No.346 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.346 of 2023 on the file of
the respondent.

For Petitioner : Mr.R.Sasikumar

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



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ORDER

The petitioner/A1 seeks bail in Crime No.346 of 2023, registered by the respondent police for the offences punishable under Sections 120B, 147, 148, 294(b) and 307 of IPC. The petitioner had been remanded to custody on 08.11.2023.

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 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.

6.This Court had granted bail to A5, A6 and A7 in Crl.O.P.Nos.27527 & 27585 of 2023, by an order dated 07.12.2023. The application seeking bail of this petitioner had been dismissed.

7.Further it is now seen that investigation has proceeded to a substantial extent. Further, the possession of that particular property in which there was a dispute is retained by the defacto complainant.

8.Taking that factor into consideration, I am inclined to grant bail to the petitioner subject to the following conditions:

9.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



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only) 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 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 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 Kerala [(2005)AIR SCW 5560].

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

19.12.2023

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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.



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C.V.KARTHIKEYAN, J.

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