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CrI.O.P.No.207 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM

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

CrI.O.P.No.207 of 2024

1.R.Maniyarasan
2.C.Tamilalagan
3.A.Somu @ Somasundaram
4.R.Prabhakaran

... Petitioners

Vs.

The State represented by
The Inspector of Police,
Attur Town Police Station,
Attur, Salem District.
Crime No.411 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.411 of 2023 on the file
of the respondent Police.

For Petitioners : Mr.A.Natarajan (Senior Counsel)
for M/s.A.Madhumathi

For Respondent : Mr.L.Baskaran
Government Advocate (crl.side)



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ORDER

The petitioners who were arrested and remanded to judicial custody on 13.12.2023 for the offences registered under Sections 341, 294(b), 324, 506(ii) of IPC and subsequently altered to Sections 341, 294(b), 324, 506(ii), 147, 148, 323 and 307 of IPC in Crime No.411 of 2023 on the file of the respondent Police, seek bail.

2.The petitioners are arrayed as A1, A2, A5 and A6. The FIR came to be registered on 11.12.2023. The entire issue is a fallout of political enmity and naturally, there is much heat generated, but the Court has to focus on the nature of the offences and not on the offenders.

3. It is stated that on 10.12.2023, when the petitioners and the other accused were present in the agricultural land of the defacto complainant, the defacto complainant asked them to leave his land which led to a quarrel which escalated into violence and assault of the defacto complainant. Originally, the FIR was registered under Section 324 of IPC and subsequently, it was altered to Section 307 of IPC. It is also stated that the injured was in hospital for a considerable period of time, since he has discharged from the hospital.



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4. On the side of the respondent, a counter has been filed and objections have been raised stating that the investigation has not yet been completed and that the area is still tensed and there would be possibility of retaliation attacks taking place. So far as A1 and A6 are concerned, there are two previous case each and A2 is concerned, there are four previous cases.

5. Taking all the factors into consideration and the period of incarceration and also that the injured had been discharged from the hospital and there is no additional hostility in the area, I am inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are 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 learned Judicial Magistrate No.I, Attur, Salem 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 shall stay at Trichy and report before the Inspector of Police, Rock Fort Police Station, Trichy, everyday at 10.30 a.m., until further orders.

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



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[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.

12.01.2024

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To

1.The Judicial Magistrate No.I, Attur, Salem.

2.The Inspector of Police,
Attur Town Police Station,
Attur, Salem District.

3.The Inspector of Police,
Rock Fort Police Station, Tiruchy.

4.The Central Prison, Salem.

5. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN,J.

vkr

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