



Crl.O.P.No.1977 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM

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

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1.Boopathi
2.Poovarasam

...Petitioners

Vs.

State represented by
The Inspector of Police,
Mohanur Police Station,
Namakkal District.
(Crime No.11 of 2024)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.11 of 2024 on the file of the respondent Police.

For Petitioners : Mr.W.Camyles Gandhi
For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 16.01.2024 and 14.01.2024 for the offences registered by the



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respondent Police under Sections 294(b), 506(ii) and 302 of IPC in Crime No.11 of 2024, seek bail.

2.The petitioners are brothers. They entered into a dispute with neighbouring house owner who is the deceased with respect to usage of common path way. There were disputes relating to the animals being let out in the common path way. This dispute escalated into violence.

3.It is stated that the petitioners had assaulted the deceased on 13.01.2024 and thereafter, after taking treatment in both the Government and Private Hospital, the injured died on 01.02.2024 necessitating altering of the provisions of law.

4.Taking into consideration the fact that the death was the result of a dispute over property and usage of the common path way, this Court is inclined to grant bail to the petitioners subject to the following conditions:

5.Accordingly, the petitioners are ordered to be released on bail on executing a 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, Namakkal and on further conditions that :-

[a] the sureties shall affix their photographs and Left



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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 report before the respondent Police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall jointly in any ratio deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.11 of 2024 before the concerned Court. On such deposit, the learned Judicial Magistrate No.II, Namakkal, may hand over the same to the defacto complainant towards a portion of the medical expenses.

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

[e] the petitioners 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 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].

[g] If the accused thereafter absconds, a fresh FIR



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can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate No.II, Namakkal.
2. The Central Prison, Salem.
3. The Inspector of Police,
Mohanur Police Station,
Namakkal District.
- 4.The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN. J.

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