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Crl.O.P.No.3761 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM

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

Crl.O.P.No.3761 of 2024

1.Theanmozhi
2.Raju
3.Silambarasan
4.Radha
5.Anji

... Petitioners

Vs.

State represented by
Inspector of Police,
Jolarpet Police Station,
Tirupattur District.
(Crime No.45 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.45 of 2024 on the file of
the respondent.

For petitioners : Mr.I.Periaswamy

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 19.01.2024, for the offences registered under Sections 294(b), 323, 324 and 506(ii) and 34 of IPC and subsequently, altered to Sections 294(b), 323, 324, 506(ii), 34 and 302 of IPC in Crime No.45 of 2024 on the file of the respondent Police, seek bail.

2.It is stated that there is an existing dispute over the ancestral property between the 5th petitioner /A6 and the defacto complainant. It is further stated that when A5 and A6 had gone over to the disputed land, they found one of their nephews diverting water. This started a quarrel. Thereafter, the other accused had come over to that place to protect A5 and A6. A general violence took place in which A4 was also injured.

3.A counter complaint had also been registered in FIR in Crime No.46 of 2024. It is stated that the accused in that particular case had also been granted bail/anticipatory bail by the trial Court. Owing to the death of the one of the injured, the respondent had altered the FIR by including Section 302 of IPC.

4.A counter affidavit had been filed on behalf of the respondent wherein they had been stated that the investigation has proceeded and they had recorded the statement of 9 witnesses. It had also been stated that the



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investigation is still progress.

5.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners str ordered to be released on bail on condition to execute a separate 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, Tirupattur**, 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 2, 3 & 5 shall report before the respondent police on everyday at 10.30 a.m., for a period of four weeks. The petitioners 1 and 4 shall report before the respondent Police, on every Saturday at 10.30 a.m., for a period of four weeks.

[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



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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.

13.03.2024

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To

- 1.The Judicial Magistrate No.I, Tirupattur.
2. The Inspector of Police,
Jolarpet Police Station,
Tirupattur District.
- 3.The Central Prison, Vellore.
4. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN, J.

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