



Crl.O.P.No.5266 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

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

Crl.O.P.No.5266 of 2024

1.Eswaran
2.Manikandan

..Petitioners

Vs.

State represented by
The Inspector of Police,
Konganapuram Police Station,
Salem District.
(Crime No.392 of 2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.392 of 2023 on the file of the respondent police.

For petitioners : Mr.R.Jayaprakash

For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 25.12.2023 for the offences registered by the respondent



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Police under Sections 294(b), 353, 506(ii), 307, 379 and 511 of IPC r/w 3(1) of TNPPDL Act, in Crime No.392 of 2023 on the file of the respondent, seek bail.

2.The case of the prosecution is that an information was received from Tahsildar, Edappadi regarding transportation of rock stones at Moolakkadai, Kalamman Kovil, Samuthiram Village. It is stated that the Village Administrative Officer and others went over to that place where these petitioners along with A1 and A4 were transporting the exploded rock stones in a Tractor bearing registration No.TN 77 Y 4869. It is stated at that point a quarrel arose which escalated into violence and the petitioners had also abused the Government Officials.

3.A1 who is an absconding accused had been granted bail by this Court.

4.It is stated by the learned Government Advocate (crl.side) that the injured had been discharged from the hospital.

5.Taking all the factors into consideration and the period of incarceration, this Court is 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 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 District Munsif cum Judicial Magistrate, Edappadi 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 report before the respondent police everyday at 10.30 a.m., until further orders.

[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 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].



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

18.03.2024

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To

- 1.The District Munsif cum Judicial Magistrate, Edappadi.
2. The Sub Jail, Sankari.
- 3.The Inspector of Police,
Konganapuram Police Station,
Salem District.
- 4.The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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