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CrI.O.P.No.18796 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

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THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.18796 of 2024

Siva Shanmugam @ Shanmugam
...Petitioner/Accused

Vs.

The State rep by its
The Inspector of Police,
Kundadam Police Station,
Tiruppur District.
(Crime No.139 of 2024)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.139 of 2024 on the file of respondent police.

For Petitioner : Mr.T.Shunmugarajeswaran

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 29.05.2024 for the offence under Sections 294(b), 323, 302 and 506(ii) of IPC in Crime No.139 of 2024 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are adjacent agricultural land owners. On 28.05.2024 at about 1.45 p.m., while the defacto complainant and her husband were doing agricultural work on their lands, the petitioner has cut down the branches of trees and kept the same in a common place. Owing to a wordy quarrel arose between them, the petitioner along with other assaulted the defacto complainant's husband with hands and caused injuries and thereafter, the defacto complainant's husband died. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody for more than 60 days and the injuries are simple in nature and the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prays for



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grant of bail to the petitioner.

4. Learned Government Advocate submitted that due to wordy quarrel between the petitioner and the defacto complainant with respect to land dispute, the petitioner along with other accused assaulted the defacto complainant's husband with hands and caused injuries, as a result of which, the defacto complainant's husband died. He also submitted that investigation has been completed and final report has also been filed. However, he vehemently opposed for grant of bail to the petitioner.

5.I have heard the representation made by the learned counsel on both side.

6. Considering the fact that the investigation has been completed and charge sheet has also been filed and considering that the co-accused has already been granted bail, I am inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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



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Judicial Magistrate, Dharapuram, 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 cards or Bank pass Books to ensure their identity;
- [b] the petitioner shall report before the jurisdictional Magistrate on every 1st working day of English Calender month, 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.

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To

1.The Judicial Magistrate, Dharapuram.

2.Central Prison, Coimbatore.

3.The Inspector of Police,
Kundadam Police Station,
Tiruppur District.

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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