



Crl.O.P.No.28692 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

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1.Balasubramaniam

2.Gantharubam

3.Sakthivel

4.Amutha

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Mecheri Police Station,
Salem District.
(Crime No.522 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of B.N.S.S. Act, pleaded to modify the condition to appear and sign before the respondent police daily at 10.00 a.m. instead of that the petitioners shall appear and sign before the learned Judicial Magistrate No.II, Mettur daily at 10.00 a.m. except holidays until further orders (for minimum period of 30 days) imposed in Crl.M.P.No.2890 of 2024 dated 05.11.2024 on the file of the Principal Sessions Judge, Salem.



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For Petitioners : Mr.M.Subash
For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

This petition has been filed to modify the condition to appear and sign before the respondent police daily at 10.00 a.m. instead of that the petitioners shall appear and sign before the learned Judicial Magistrate No.II, Mettur daily at 10.00 a.m. except holidays until further orders (for minimum period of 30 days) imposed in Crl.M.P.No.2890 of 2024 dated 05.11.2024 on the file of the Principal Sessions Judge, Salem.

2.The case of the prosecution is that on 16.10.2024 at about 05.00 p.m. at Pukkampatti, Ejamanoor, near the defacto complainant's land due to previous enmity between the parties regarding land dispute, the 1st petitioner abused the complainant in filthy words and assaulted him with wooden log on his head, the 3rd petitioner assaulted him with koduval on his left palm, the 2nd petitioner held his hands, at that time the 4th petitioner assaulted on his back with hands, the 5th accused fisted below his left eye with stone. On seeing that the complainant's wife had taken a video of the above incident on her cell phone, the accused grabbed the cell phone and



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broke it. Then, the petitioners 2 to 4 assaulted the complainant's wife with hands and caused injuries to them and also threatened them with dire consequences. Hence the case.

3.The learned counsel for the petitioners would submit that the petitioner had filed an anticipatory bail petition before the learned Principal Sessions Judge, Salem in Crl.M.P.No.2890 of 2024 and the same was ordered on 05.11.2024. Subsequent to the above on 11.11.2024, the petitioners had surrendered before the jurisdictional magistrate and executed the sureties as mentioned in the above said order. The learned counsel for the petitioners would submit that they are all family members residing at Mecheri, which is 50 km distance from Mettur. The petitioner Nos.1 and 2 are husband and wife and they senior citizens and they are having age old ailments. The third petitioner is working as a Junior Assistant in the Block Development Office at Nangavalli. Hence, the petitioners are facing great difficulties to appear and sign before the Judicial Magistrate No.II, Mettur daily at 10.00 a.m. for a minimum period of 30 days. Hence, they would seek for modification of condition.



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4.The learned Government Advocate (Crl.Side) for the respondent would submit that the due to a previous enmity with regard to the land dispute the 1st petitioner abused the complainant in filthy words and assaulted him with wooden log on his head, the 3rd petitioner assaulted the complainant with koduval on his left palm, the 2nd petitioner held his hands at that time the 4th petitioner assaulted on his back with hands and the 5th accused fisted below his left eye with stone and the petitioner Nos.2 to 4 assaulted the complainant's wife with hands and caused injuries to them and also threatened them with dire consequences. Hence, he opposed for modifying the condition.

5.I have heard the learned counsel for the petitioner and the learned Government Advocate and I have perused the materials available on record.

6.It is seen that the learned Principal Sessions Judge, Salem, while granting anticipatory bail to the petitioner on 05.11.2024 in Crl.M.P.No.2890 of 2024, has imposed certain conditions, including the condition 6(iii) that the petitioners shall appear and sign before the learned Judicial Magistrate No.II, Mettur daily at 10.00 a.m. except holidays until further orders (for a



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minimum period of 30 days) and on further condition that they shall make available themselves for interrogation as and when required by the Investigation Officer.

7.Considering the above facts and circumstances, the condition No.6(iii) in Crl.M.P.No.2890 of 2024 dated 05.11.2024 passed by the Principal Sessions Judge, Salem, is hereby modified and the petitioners are directed to appear before the respondent police on every Saturday at 10.30 a.m. for a period of three weeks and thereafter on the 1st Saturday of every month at 10.30 a.m. The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, within a period of two weeks from the date of receipt of a copy of this order. The other conditions imposed by the learned Principal Sessions Judge, Salem, vide order dated 05.11.2024 in Crl.M.P.No.2890 of 2024 shall stand unaltered. The Criminal Original Petition is ordered accordingly.

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To

1.The Principal Sessions Judge, Salem.

2.The Judicial Magistrate No.II, Mettur.



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3.The Inspector of Police,
Mecheri Police Station,
Salem District.

4.The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.
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