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Crl.O.P.Nos.28894 & 28895 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.Nos.28894 & 28895 of 2023

1.Vijayakumar S/o.Periyasamy
2.Devendiran @ Gopi S/o.Suburu
3.Thangaraj S/o. Periyasamy
4.Mohanraj S/o. Murugesan
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...Petitioners/Accused Nos.4,5,6 &

in Crl.O.P.No.28894 of 2023

1.Ravi S/o. Periyasamy
2.Sharma

Petitioners/Accused Nos.1&2
in Crl.O.P.No.28895 of 2023

Vs.

State Represented by
The Inspector of Police,
Omalur Police Station,
Salem District.
(Crime No.780 of 2023)

...Respondent in both Crl.O.Ps.

Common Prayer:Criminal Original Petitions filed under Section 439 of Cr.P.C. praying to enlarge the petitioners/Accused in both Crl.O.Ps., on bail in Crime No.780 of 2023 on the file of respondent police.

(In both Crl.O.Ps)

For Petitioners : Mr.V.Ramanareddy

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor



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COMMON ORDER

The petitioners in both Crl.O.Ps., seek bail in Crime No.780 of 2023 on the file of respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506(2) of the Indian Penal Code, 1860. They had been arrested and remanded to judicial custody on 14.11.2023 and 16.11.2023 respectively.

2. The case of the prosecution is that on 13.11.2023, due to wordy quarrel arose between the defacto complainant and the petitioners in a Petrol Bunk regarding filling petrol in their motorcycles, the petitioners had abused the defacto complainant in filthy language and had assaulted him with iron rod, wooden logs and stones and caused injuries to the defacto complainant. Hence, the case.

3. Learned counsel for petitioners in both Crl.O.Ps., submitted that the petitioners are innocent and they have nothing to do with the alleged offence. He further submitted that the injured has been discharged from the hospital. He also submitted that the petitioners are ready to abide by



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any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. Learned Additional Public Prosecutor submitted that due to wordy quarrel, the petitioners had abused the defacto complainant in filthy language and assaulted him with iron rod, wooden logs and stones. She further submitted that as of now there are no previous cases against the petitioners and investigation is still pending and A7 and A8 are absconding. However, she vehemently opposed to grant bail to the petitioners.

5. Considering the fact that the injured has been discharged from the hospital and there is no previous case against the petitioners and also considering the duration of custody, I am inclined to grant bail to the petitioners in both Crl.O.Ps., subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate 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 learned Judicial Magistrate, at Omalur, Salem District and on further conditions that :-



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- [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 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];
- [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,
Omalur, Salem District.
- 2.The Central Prison,
Salem.
- 3.The Inspector of Police,
Omalur Police Station,
Salem District.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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