

Petitioner Vs. Respondent

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Court : Chennai Madurai

Decided On : May-25-2016

Judge : S.S. Sundar

Appeal No. : Crl.O.P(MD)No. 8287 of 2016

Appellant : Petitioner

Respondent : Respondent

Judgement :

S.S. Sundar, J.

1. The petitioners/A2 and A3, who were arrested and remanded to judicial custody on 04.04.2016, for the offences punishable under Sections 341, 363, 384, 323, 395 and 397 IPC, in Crime No.149 of 2016 on the file of the respondent police, have filed the present petition for getting bail.

2. The case of the prosecution is that there was a land dispute between the first accused and the de facto complainant and that due to previous motive, the incident has occurred and the case was registered.

3. Mr.M.Suresh, learned counsel appearing for the petitioners has submitted that petitioners are innocent persons and they have been falsely implicated in the present case and they have been arrested and remanded to custody on

04.04.2016 and since then they are in duress. It was also submitted that already one of the co-accused/A4 was released on bail by this Court, by order dated 11.05.2016 in CRL.OP(MD)No.7962 of 2016. Under the said circumstances, the petitioners are entitled to get bail.

4. Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State submits that the petitioners have no previous cases and that the injured has already been discharged from the hospital.

5. Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:-

(a) the petitioners shall execute a 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, Aranthangi, Pudukkottai District;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioners shall not abscond 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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