



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.16838 of 2021

WEB COPY

1. R. Manirethinam ... petitioners
2. R. Manivannan
3. N. Kannadasan

Vs.

The State Rep by ... Respondent
The Inspector of Police,
Vellakani Police Station,
Nagapattinam District
(Crime No.544 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.544 of 2021 on the file of the respondent police.

For petitioners : Mr. V. Karthikeyan

For Respondent : Mr.A.Gopinath
Government Advocate (CrI.Side)

ORDER

The petitioners who were arrested on 04.09.2021 and remanded to judicial custody for the offences under Sections 147,148, 294(b),427 and 506(ii) of IPC in Crime No.544 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is a practising advocate and he has been appointed to measure the property by the Nagapattinam District Court in O.S.No.46 of 2021. While so when he went to measure the property the petitioners herein abused the defacto complainant in filthy language and also caused damages to the car to the value of Rs.60,000/- Hence the complaint.

3. On perusal of records it is seen that the petitioner has filed this application directly before this Court.



4. Mr. V. Karthikeyan, the learned counsel for the petitioners submits that the Advocate Association has resolved not to represent the petitioner in Crime No.544 of 2021. Hence he has file this petition directly before this Court. The learned counsel, on instructions, would further submit that the petitioner on his own volition, without prejudice to his rights, is ready to deposit the amount of Rs.75,000/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.75,000/- will be returned to him and on filing of bail petition before the lower Court, direction may be issued to consider the same petition on the same day as the petitioner is inside the prison for a considerable period of time. Therefore, he prays to grant bail to the petitioner.

5. Heard the learned Government Advocate (Crl.Side) appearing for the respondent.

6. Considering the submissions made by the counsel appearing on either side and also considering the submission made by the learned counsel appearing for the petitioner that he is ready and willing to deposit a sum of Rs.75,000/- this Court is inclined to issue a direction to the Principal Sessions Court, Nagapattinam to consider the bail application filed by the petitioner and dispose the same on merits and in accordance with law on the same day of filing of the petition and also take note of the submission made by the petitioner that he is willing to deposit the amount to the credit of Crime No.

With the above directions this writ petition is disposed of.

-sd/-
14/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



1 THE PRINCIPAL SESSIONS COURT,
NAGAPATTINAM.

2 THE INSPECTOR OF POLICE,
VELLAKANI POLICE STATION,
NAGAPATTINAM DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, TIRUTHURAIPOONDI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.V.KARTHIKEYAN Advocate on payment of necessary
charges SR.NO.10016.

CRL OP.16838/2021

Date :14/09/2021

INBA 14/09/2021