



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.17423 of 2021

1.R.Manirethinam
2.R.Manivanan
3.N.Kannadasan

... Petitioners

Vs.

The State represented by
The Inspector of Police,
Vellankani Police Station,
Nagapattinam District.

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail in connection with the Crime No.544 of 2021 on the file of the Inspector of Police, Vellankani Police Station, Nagapattinam District.

For Petitioners : Mr.V.Karthikeyan

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1. Side)

O R D E R

The petitioners who were remanded to judicial custody on 04.09.2021 for the offence under Sections 147, 148, 294(b), 427 and 506(ii) of I.P.C. and subsequently altered to Sections 147, 148, 294 (b), 427 and 307 of I.P.C. r/w. Section 3(1) of P.P.D.Act, 1984 in Crime No.544 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that the defacto complainant is a practising Advocate and he was appointed as Advocate Commissioner in O.S.No.46 of 2021 on the file of the District Munsif Court, Nagapattinam to measure the suit property. When he went to measure the suit property, the petitioners are alleged to have abused him using filthy language and also damaged the car in which he travelled.



3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that on earlier occasion, the petitioners approached this Court by filing CrI.O.P.No.16838 of 2021 and since the petitioners were ready to deposit a sum of Rs.75,000/-, this Court disposed of the said petition on 14.09.2021 by directing the petitioners to approach the jurisdictional Sessions Court and to file petition seeking bail.

4.The learned counsel appearing for the petitioners would further submit that pursuant to the said order, the petitioners approached the jurisdictional Sessions Court, however, the petition seeking bail was dismissed by the said Court. He would further submit that the allegations levelled against the petitioners is that they have damaged the car in which the defacto complainant travelled. The petitioners are ready to make a non refundable deposit of a sum of Rs.75,000/- to the credit of the crime number and also concede that the same may be disbursed in favour of the defacto complainant and the said amount may be collected by the owner of the car from the defacto complainant.

5.The learned Government Advocate (Criminal Side) raise no serious objection for grant of bail to the petitioners.

6.Though the act of the petitioners is not an acceptable one since they prevented the defacto complainant who was appointed as Advocate Commissioner in O.S.No.46 of 2021 on the file of the District Munsif Court, Nagapattinam to measure the suit property from doing his work, considering the period of incarceration undergone by the petitioners and since they are ready to make a non refundable deposit of Rs.75,000/-, I am inclined to grant bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruthuraipundi and on further condition that:

(a)the petitioners shall make a non - refundable deposit of a sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) to the credit of Crime No.544 of 2021 before the learned Judicial Magistrate, Thiruthuraipundi. On such deposit being made, the learned Judicial Magistrate, Thiruthuraipundi, shall disburse the said amount to the defacto complainant, within a period of two weeks thereafter, who in turn shall give the amount to the owner of the car for repair.



(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent police, daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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 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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/09/2021

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.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUTHURAIPUNDI

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATINAM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
VELLAKANI POLICE STATION,
NAGAPATTINAM DISTRICT



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, SIRKAZHI

6 THE OFFICER INCHARGE,
SUB JAIL, THIRUTHURAIPUNDI

7 THE DISTRICT MUNSIF CUM
NAGAPATTINAM

CC to M/S.V.KARTHIKEYAN Advocate on payment of necessary
charges SR.10204

CRL OP.17423/2021

Date :17/09/2021

RVR 17/09/2021