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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.18082 of 2021

G. Keerthigaivasan

.. Petitioner

Vs.

The State of Tamil Nadu Rep By
The Sub Inspector of Police,
Kuvagam Police Station,
Ariyalur District

.. Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail in Crime No.195 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.V. Ramana Reddy

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

ORDER

The petitioner who was arrested on 07.09.2021 and remanded to judicial custody for the offences under Sections 147,294(b), 307,323,324 and 427 r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act (TNPWH) in Crime No.195 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is running a tiffin shop and the accused persons went to the said shop in a inebriated state and had their dinner and picked up quarrel with the defacto complainant and attacked the defacto complainant and his family members. Further caused damages to the defacto complainant shop to the tune of Rs.13,000/- Hence the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submitted the foods supplied by the defacto complainant is not good, due to which the petitioner and other accused asked to supply good foods. That apart the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready to pay Rs.15,000/- to the



defacto complainant. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits the accused persons went to the defacto complainant's shop in a inebriated state and after completing heir dinner, picked up quarrel with the defacto complainant and attacked the defacto complainant and his family members and also caused damages to the defacto complainant's shop. He further submits that there is no previous case pending against the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the fact that there is no previous case pending against the petitioner and the voluntary undertaking of the petitioner to give Rs.15,000/- to the defacto complainant and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate Court, Sendurai, and on further condition that:

(a) the petitioner shall give Rs.15,000/- to the defacto complainant and get due acknowledgement from him and produce the same before the learned District Munsif-cum-Judicial Magistrate Court, Sendurai, at the time of executing sureties.

(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 petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(e) the petitioner 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 petitioner 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.

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-sd/-
29/09/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE COURT,
SENDURAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
ARIYALUR DISTRICT (FOR INFORMATION).

3 THE SUB INSPECTOR OF POLICE,
KUVAGAM POLICE STATION,
ARIYALUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.V.RAMANA REDDY Advocate on payment of necessary charges SR.NO.10744

CRL OP.18082/2021

Date :29/09/2021

INBA 29/09/2021