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CrI.OP.No.20635 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.20635 of 2022

1.Saminathan

2.Ravichandran

...petitioners

Vs.

State rep. by

The Inspector of Police,

Jayankondam Police Station,

Ariyalur District.

(Cr. No.282 of 2022)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime No.282 of 2022
pending investigation on the file of the respondent police.

For petitioners : Mr.M.Kavikannan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The 1st and 2nd petitioner, who were arrested and remanded to
judicial custody on 12.08.2022 and 14.08.2022 respectively for the
offences punishable under Sections **294(b), 427, 323, 324 & 506(ii)** of



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IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 read with Section 3 of Tamil Nadu Public Property (Prevention of Damages and Loss) Act in Crime No.282 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 11.08.2022, the Department of Dairy Development official conducted a meeting before the Devanur Village Panchayath Office with regard to opening of Milk Society at Devanur Village. At that time, petitioners along with another accused person abused the officials. When the same was questioned by the *de-facto* complainant, they abused her in filthy language, assaulted her, damaged the chairs and threatened her with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioners.



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4. The learned Additional Public Prosecutor appearing for the respondent submitted that the injured has been discharged from the hospital on 14.08.2022. However, he vehemently opposed for granting bail to the petitioners.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners from the date of their arrest, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 Judicial Magistrate No.I, Jayankondam**, and on further conditions that:

[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 card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

30.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.I,
Jayankondam.
- 2.The Inspector of Police,
Jayankondam Police Station,
Ariyalur District.
- 3.Sub Jail, Jayankondam.
- 4.The Public Prosecutor,
High Court of Madras

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