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CrI.O.P.No.23665 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.23665 of 2022

1.Varadharajan
2.Bakkiyaraj

... Petitioners

Vs.

The State represented by,
The Station House Officer,
Oomangalam Police Station,
Panruti Taluk,
Cuddalore District.
(Crime No.323 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.323 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.R.Thanjan

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)



Crl.O.P.No.23665 of 2022

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.08.2022 for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 336 and 506(ii) of IPC r/w 4 of TNPWH Act r/w 3 of PPD Act in Crime No.323 of 2022 on the file of the respondent Police, seek bail.

2. The case of the prosecution as per the de-facto complainant is that the de-facto complainant is the owner of the hotel and when he questioned the accused for spitting in the hotel, the first accused has called the other accused, who are rowdy elements and abused the de-facto complainant and his wife and also his staff in a filthy language and assaulted them. They have also ransacked the entire hotel. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that there is no direct quarrel between the petitioners and the de-facto complainant. He would also



Crl.O.P.No.23665 of 2022

submit that there was a quarrel between the de-facto complainant and A1 and A2 and on the call made by them, the petitioners have gone to the place and other than that they have not committed any offence. He would also submit that the petitioners are in custody from 02.08.2022. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the accused 1 and 2 had gone to the de-facto complainant's hotel and they have created a ruckus and also assaulted the de-facto complainant's wife and his staff. He would further submit that the accused have ransacked the entire hotel and caused loss to the worth of Rs.2 lakhs. He would also submit that the investigation is pending and as far as these petitioners are concerned, there is no previous case as against them. However, he oppose to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record



Crl.O.P.No.23665 of 2022

WEB COPY

6. Taking into consideration the facts and circumstances of the case and also taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Neyveli**, 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., and 5.30 p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;



Crl.O.P.No.23665 of 2022

[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.

10.10.2022

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To

- 1.The District Munsif cum Judicial Magistrate,
Neyveli.
2. The Station House Officer,
Oomangalam Police Station,
Panruti Taluk,
Cuddalore District.
3. The Sub Jail,
Panruti, Cuddalore District.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.23665 of 2022

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Crl.O.P.No.23665 of 2022

10.10.2022