



CrI.O.P.No.23626 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM

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

CrI.O.P.No.23626 of 2022

1. Ravi Bharathi
2. Prabhu
3. Sunil @ Sathish Kumar @ Ranganathan ... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Karamadai Police Station,
Coimbatore District.
(Crime No.493 of 2022) ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail concerned in Crime No.493 of 2022
pending investigation on the file of the respondent Police.

For Petitioners : Mr.C.Ramkumar

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 14.09.2022, for the offences punishable under Sections 147, 447,



Crl.O.P.No.23626 of 2022

294(b), 323 & 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.493 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 13.09.2022, at 18.00 hours, the petitioners along with the other accused attacked the defacto complainant for running a hotel in the name of “Thanthai Periyar Unavagam” and also intimidated with dire consequences by damaging the utensils in view of closing the hotel and removal of name board. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would also submit that the defacto complainant has served stale food and since, it was objected to by the petitioners, a false complaint has been given. He would further submit that the petitioners are in custody from 14.09.2022. Hence, he prays for grant of bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the



CrI.O.P.No.23626 of 2022

respondent police would submit that the petitioners have questioned the defacto complainant in running a hotel in the name of “Thanthai Periyar Unavagam” and they have assaulted the defacto complainant and caused damages to the utensils. He would also submit that though the injured has been discharged from the hospital, as far as the 1st petitioner is concerned, he has got 6 previous cases as against him and as far as the 3rd petitioner is concerned, he has got 7 previous cases as against him and they are the habitual offenders. He would further submit that as far as the 2nd petitioner is concerned, there is no previous case as against him. Hence, he vehemently opposed to grant bail to the petitioners.

5. The previous cases as against the 1st petitioner are listed hereunder:-

<i>Sl.No</i>	<i>Crime No.</i>	<i>Offences</i>
1	444/2022	151 of Cr.P.C.
2	42/2018	147, 148, 294(b), 324, 506(2) of IPC
3	9/2018	294(b), 323 & 506(1) of IPC and 3 of TNPPDL Act
4	88/2016	147, 294(b), 324, 506(2) of IPC and 3 of TNPPDL Act
5	709/2011	147, 323, 379, 448 of IPC



Crl.O.P.No.23626 of 2022

<i>Sl.No</i>	<i>Crime No.</i>	<i>Offences</i>
6	7/2019	294(b), 323 & 341 of IPC

6. The previous cases as against the 3rd petitioner are listed hereunder:-

<i>Sl.No</i>	<i>Crime No.</i>	<i>Offences</i>
1	444/2022	151 of Cr.P.C.
2	42/2018	147, 148, 294(b), 324, 506(2) of IPC
3	336/2016	294(b), 323 & 506(1) of IPC
4	88/2016	147, 294(b), 324, 506(2) of IPC and 3 of TNPPDL Act
5	40/2015	387 of IPC
6	381/2014	294(b) of IPC
7	249/2014	294(b), 324 & 506(ii) of IPC

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

8. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the 1st and 3rd petitioners are habitual offenders and they have got previous cases as against them, this Court is not inclined to grant bail to



Crl.O.P.No.23626 of 2022

them and as far as 2nd petitioner is concerned, there is no previous case as against him, this Court is inclined to grant bail to him with certain conditions.

9. Accordingly, the bail application in respect of the 1st and 3rd petitioners are dismissed and the 2nd petitioner is ordered to be released on bail on his executing a 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 Judicial Magistrate, Mettupalayam**, 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 2nd petitioner shall report before the respondent Police daily at 10.30 a.m., and 05.30 p.m., until further orders;

[c] the 2nd petitioner shall not abscond either during investigation or trial;



Crl.O.P.No.23626 of 2022

[d] the 2nd petitioner 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

28.09.2022

rgi



Crl.O.P.No.23626 of 2022

WEB COPY

To

1. The Judicial Magistrate,
Mettupalayam.
2. The Inspector of Police,
Karamadai Police Station,
Coimbatore District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.23626 of 2022

A.D.JAGADISH CHANDIRA., J.

rgi

Crl.O.P.No.23626 of 2022

28.09.2022