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Crl.OP.No.25561 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

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

Crl.OP.No.25561 of 2022

1.Ravi Bharathi

2.Sunil @ Sathish Kumar

...Petitioners

Vs.

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

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail concerned in Crime No.493 of
2022 pending on the file of the respondent police.

For Petitioners : Mr.M.N.Balakrishnan
for Mr.C.Ramkumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 14.09.2022 for the offences punishable under Sections 147, 447, 294(b), 323, 506(i) of IPC, Section 4 of Tamil Nadu Prohibition of Women Harassment 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 this is the 2nd application for bail in respect of the petitioners. He would submit that the earlier bail application in respect of the



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petitioners was dismissed on the ground that the 1st petitioner was having 6 previous cases and the 2nd petitioner was having 7 previous cases. He would further submit that in the 6 previous cases of the 1st petitioner, the 1st case has been closed on the ground of limitation, 2nd case is pending without progress for 7 years, 3rd case is compromised, in the 4th case the petitioner was acquitted on 17.08.2022, 5th case was closed as barred by limitation and as far as the 6th case is concerned, it was registered under Section 151 of Cr.P.C. He would further submit that the 2nd petitioner is also a co-accused in all the above mentioned cases and hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted 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 the injured has been discharged from the hospital. However, he vehemently opposed to grant bail to the petitioners.



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

6. Taking into consideration the facts and submissions made by the learned counsel, 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) with **two sureties**, each for a like sum to the satisfaction of **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 petitioners shall report before the respondent police everyday at 10.30 a.m. and 5.30 p.m., until further orders.

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

19.10.2022

mpl



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A.D.JAGADISH CHANDIRA, J.
mpl

To

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

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