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CrI.O.P.No.26524 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

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

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1. P.Pramoth Kumar
2. R.Naveenkumar
3. U.Praveen
4. N.Babu
5. E.Sureshkumar
- 6.A.Aravindkumar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Yercaud Police Station,
Salem District.

(Crime No.203/2022)

... 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.203 of 2022 pending investigation on the file of the respondent Police.



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For Petitioners : Mr.B.Vasudevan
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 21.09.2022 for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 506(ii) of IPC and Section 3 of TN Public Property (Prevention of Damage & Loss) Act, in Crime No.203 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners created a ruckus in an inebriated condition and when it was questioned by the de-facto complainant, they had abused the de-facto complainant and assaulted him with iron rod and stone and also damaged his car. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are youngsters gone to Yercaud to celebrate birthday party. He would also submit that the de-facto complainant is the person who had assaulted the petitioners and has given a false complaint as against the petitioners. He would also submit that on the complaint given by the



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petitioners a case has been registered as against the de-facto complainant in Crime No.201 of 2022 and it is a case in counter. He would further submit that the petitioners are in custody from 21.09.2022 and hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that it is a case and a case in counter. He would further submit that the petitioners in an inebriated condition created ruckus in the lodge and also abused the de-facto complainant and assaulted him with iron rod, when it was questioned by him and they have also caused damage to the worth of Rs.50,000/- to the de-facto complainant's car. He would further submit that there is a case in counter in Crime No.201 of 2022 filed against the de-facto complainant based on the complaint given by the petitioners and he oppose for grant of bail to the petitioners.

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



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners is ordered to be released on bail on his executing a 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 the **learned District Munsif cum Judicial Magistrate, Yercaud**, 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, every day at 10.30 a.m., until further orders;

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

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



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[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;

02.11.2022

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To

1. The District Munsif cum Judicial Magistrate,
Yercaud.
2. The Inspector of Police,
Yercaud Police Station,
Salem District.
3. The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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