



Crl.O.P.No.27964 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

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

**Crl.O.P.No.27964 of 2022**

1. Bharath

2. Sathish

... Petitioners

Vs.

The State represented by,  
The Sub-Inspector of Police,  
Ariyur Police Station,  
Vellore District.

(Crime No.202 of 2022)

... Respondent

**Prayer:** Criminal Original Petitions filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioners on bail pending investigation in Crime  
No.202 of 2022 on the file of the respondent Police.

For Petitioners : Mr.M.R.Thangavel

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 29.10.2022, for the offences punishable under Sections 341, 294(b), 506(2) of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.202 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that during road rage, the petitioners waylaid the de-facto complainant and caused damage to the wind shield of the de-facto complainant car. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and a false complaint has been given against them. He would further submit that this incident had happened during road rage and without prejudice, the petitioners are ready and willing to deposit Rs.7,500/- each to the credit of Crime Number. He would also submit that the petitioners are in custody from 29.10.2022 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence,



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he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners have waylaid the de-facto complainant and damaged the windshield of the de-facto complainant's car during road rage. He would also submit that there is no previous case as against the petitioners. However, he would 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.

6. Merely, because the petitioners have deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.



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7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioners are volunteered to deposit Rs.7,500/- each to the credit of the Crime Number, this Court is inclined to grant bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail on condition to make a deposit of **Rs.7,500/- (Rupees Seven thousand five hundred only) each to the credit of Crime No.202 of 2022**, without prejudice to their rights and contentions before the trial Court, on such deposit, 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 Judicial Magistrate No.I, Vellore**, 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**



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**respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday, at 10.30a.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;

[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.

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To

1. The Judicial Magistrate No.I,  
Vellore.
2. The Sub-Inspector of Police,  
Ariyur Police Station,  
Vellore District.
3. The Vellore Central Prison,  
Thorapadi.
4. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA., J.**

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