



Crl.O.P.No.7326 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM

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

Crl.O.P.No.7326 of 2023

Ravichandran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Needamangalam Police Station,
Thiruvarur District

(Crime No.85 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.85 of 2023 on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.03.2023, for the offences punishable under Sections 147, 148, 294(b), 336, 506(ii) of IPC and 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.85 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant namely Mugamathu Kiyasutheen is that on 10.03.2023, one Rajkumar was murdered and on 11.03.2023, during the funeral procession of the said Rajkumar, the petitioner along with other accused unlawfully assembled and caused extensive damages to the shop of the de-facto complainant and when the same was questioned by the de-facto complainant, they abused and threatened him with dire consequences. Hence, this case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in custody from 12.03.2023 and further submitted that without prejudice, the petitioner is ready and willing to deposit a sum of Rs.3,000/- each to the credit of crime number and they



prayed to grant bail to the petitioner.

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4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of bail to the petitioner stating that the petitioner along with other accused unlawfully assembled and caused extensive damages to the shop of the de-facto complainant during the funeral procession of one Rajkumar and that the value of the damages is assessed as Rs.15,000/-. However, he submitted that there is no previous case pending against the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the fact that there is no previous case pending against the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is directed to deposit a sum of **Rs.3,000/- (Rupees Three Thousand Only) to the credit of Crime No.85 of 2023**, without prejudice to his rights and contentions before the trial Court, on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Needamangalam**, 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 petitioner shall report before the respondent Police, everyday at 06.30 p.m. until further orders;

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

[d] the 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 petitioner in accordance



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with law as if the conditions have been imposed and the 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.

10.04.2023

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To

1. The District Munsif cum Judicial Magistrate
Needamangalam
2. The Inspector of Police
Needamangalam Police Station
Thiruvarur
3. The Sub Jail, Nagapattinam
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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