



WEB COPY



Crl.O.P.Nos.7325 and 7327 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.Nos.7325 and 7327 of 2023

Chelladurai

... Petitioner in Crl.O.P.No.7325 of 2023

1. Murali

2. Sivaraj

3. Vignesh

... Petitioners in Crl.O.P.No.7327 of 2023

Vs.

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

(Crime No.86 of 2023)

... Respondents in both the Crl.O.Ps.

**Prayer in Crl.O.P.No.7325 of 2023 :** Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail pending investigation in Crime No.86 of 2023 on the file of the respondent police.

**Prayer in Crl.O.P.No.7327 of 2023 :** Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail pending investigation in Crime No.86 of 2023 on the file of the respondent police.



WEB COPY

In both Crl.O.P.s.,

For Petitioners : Mr.D.Padmanabhan

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

### **COMMON ORDER**

The petitioners, who were arrested and remanded to judicial custody on 13.03.2023, 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.86 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 Kassali is that on 10.03.2023, one Rajkumar was murdered and on 11.03.2023, during the funeral procession of the said Rajkumar, the petitioners 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 petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are in custody from 13.03.2023 and further submitted that the similarly placed co-accused have been granted bail by this Court in Crl.O.P.Nos.7266 & 7271 of 2023 dated 31.03.2023. He also submitted that the petitioners, without prejudice, are 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 petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of bail to the petitioners stating that the petitioners 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 petitioners.

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 circumstances of the case, the submissions made by the learned counsel on either side and considering the fact that there is no previous case against the petitioners 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 are directed to deposit a sum of **Rs.3,000/- (Rupees Three Thousand Only) each to the credit of Crime No.86 of 2023**, 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.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 petitioners shall report before the respondent Police, everyday at 06.30 p.m. until further orders;



WEB COPY



CrI.O.P.Nos.7325 and 7327 of 2023

[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.

10.04.2023

ham

To

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



WEB COPY



Crl.O.P.Nos.7325 and 7327 of 2023

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

*ham*

**Crl.O.P.Nos.7325 and 7327 of 2023**

**10.04.2023**