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Crl.O.P.No.8175 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

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

Crl.O.P.No.8175 of 2023

1.Ramkumar
2.Arunpandiyan
3.Rajesh
4.Prabhakaran

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Needamangalam Police Station,
Tiruvarur District.

Crime No.86 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioners on bail in pending investigation in Crime

No.86 of 2023 on the file of the respondent police.

For Petitioners : Mr.D.Padmanabhan

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

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 13.03.2022 for the offences punishable under Sections 147, 148, 294(b), 336, 506(ii) of IPC Act, 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, seeks 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 consequents. 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



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also submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court, hence, he prayed for grant of 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



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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 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 twice at 10.30 a.m and 6.30 p.m., for a period of four weeks and thereafter, on every Saturday at 10.30 a.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,



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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.

19.04.2023

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To

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



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