



Crl.O.P.No.10853 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.10853 of 2023

1.Sudhakar
2.Dharmaraj
3.Paramasivam

... Petitioners

Vs.

State Rep. By
The Inspector of Police,
Jedarpalayam Police Station,
Namakkal District.
(Crime No.26 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.26 of 2023 on the file of
the respondent police

For Petitioner : Mr.M.Mariappan

For Respondent : Mr. E.Rajthilak
Additional Public Prosecutor



ORDER

The petitioners, who were arrested and remanded to judicial custody on 25.03.2023, for the offences punishable under Sections 147, 148, 337, 436, 286, 153 and 506(ii) of IPC in Crime No.26 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous enmity, the petitioners were assembled unlawfully with an intent to cause riot and set fire to the sugarcane mill and three tractors of the defacto complainant and also damaged the house of two others of the locality. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the petitioners are in judicial custody from 25.03.2023. Hence, he prayed for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police vehemently opposed to grant bail to the petitioners were assembled unlawfully with an intent to cause riot and set fire to the sugarcane mill and three tractors of the defacto complainant and also



damaged the house of two others of the locality.

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5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration, this Court is inclined to grant bail to the petitioners on the following conditions;

[a] 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Paramathi, Namakkal District.**

[b] 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;

[c] the petitioners shall report before the respondent police daily at 10.30a.m., until further orders;

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

[e] the petitioners shall not tamper with evidence or witness either



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during investigation or trial;

[f] 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]***;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

10.05.2023

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To

1. The Judicial Magistrate, Paramathi, Namakkal District.
2. The Inspector of Police,
Jedarpalayam Police Station,
Namakkal District.
3. The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN,J.,

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