



CrI.O.P.No.13598 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

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

CrI.O.P.No.13598 of 2023

1.Alagarasan

2.Thangavel

3.Pradeep

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Sankari Police Station,
Salem District.

(Crime No.236 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner in Cr.No.236 of 2023 on the file of the
respondent police.

For Petitioners : Mr.W.Camyles Gandhi

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



Cr.L.O.P.No.13598 of 2023

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ORDER

The petitioners, who was arrested and remanded to judicial custody on 04.06.2023, for the offence punishable under Sections 294(b), 323, 506(ii) of IPC and Section 3(1) of TNPPDL Act, in connection with Crime No.236 of 2023, registered on the file of the respondent, seeks bail.

2. The case of the prosecution as per the defacto complainant/Rathibanyadav is that he was running Sri Sai Dhaba Restaurant. On 04.06.2023, the accused along with other persons came to the defacto complainant's shop and demanded for alcohol, when it was denied by the defacto complainant, a wordy quarrel arose between them and the petitioners abused the defacto complainant in filthy language and assaulted him with hands and legs and they have also caused damaged to the fridge, plastic table, and other things to the tune of Rs.5,000/- and they have also threatened the defacto complainant with dire consequences. Hence the case.

3. Learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated into



CrI.O.P.No.13598 of 2023

WEB COPY
this case. He further submitted that due to non serving of alcohol, the defacto complainant attacked the petitioners for which, a wordy quarrel arouse between them. He would further submit that without prejudice, the petitioners are ready and willing to deposit Rs.3000/- each to the credit of Crime Number. He further submitted that the petitioner is languishing in judicial custody from 04.06.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent police submitted that the petitioners went to the defacto complainant' shop, they have sought for alcohol, when the same was refused by him, a wordy quarrel arose between for which, they have also caused damaged to the articles to the tune of Rs.5,000/-. He further submitted that the injured has been discharged from the hospital and hence he vehemently opposed for grant of bail to the petitioner.

6. Heard the learned Counsel for the Petitioners and the learned Government Advocate (CrI.Side) for the respondent and perused the entire materials available on record.



CrI.O.P.No.13598 of 2023

WEB COPY

8. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the petitioners are volunteered to deposit Rs.3,000/- each to the credit of the Crime Number, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on condition to make a deposit of **Rs.3,000/- (Rupees Three Thousand only) each to the credit of Crime No.236 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) each with two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Sankagiri**, 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;



CrI.O.P.No.13598 of 2023

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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 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.

19.06.2023

drl



CrI.O.P.No.13598 of 2023

WEB COPY

To

1. The Judicial Magistrate No.I,
Sankagiri.
2. The Inspector of Police,
Sankari Police Station,
Salem District.
3. The Central Prison.
Salem
4. The Public Prosecutor,
High Court of Madras.



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CrI.O.P.No.13598 of 2023

A.D.JAGADISH CHANDIRA.,J.

drl

CrI.O.P.No.13598 of 2023

19.06.2023