



CrI.OP.No.16333 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.OP.No.16333 of 2023

1.Thangavel

2.Arunkumar

3.Saravanan

4.Nandhakumar

...Petitioners

Vs.

The State Rep by its
The Inspector of Police,
Mohanur Police Station,
Namakkal District.
(Cr.No.163 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in connection with the case in Crime No.163 of 2023 pending investigation on the file of the respondent Police.

For Petitioners : Mr.R.Prabakar

For Respondent : Mr.S.Rajakumar



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Additional Public Prosecutor.

ORDER

The petitioners, who were arrested and remanded to judicial custody on 04.07.2023 for the offences punishable under Sections 147, 341, 294 (b), 323, 506 (ii) of I.P.C and r/w 3, 5 of Tamil Nadu Property (Prevention of Damage and Loss) Act, in Crime No.163 of 2023 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioners submitted that petitioners are falsely implicated as accused in Cr.No.163 of 2023 for the offences punishable under Section 147, 341, 294 (b), 323, 506 (ii) of I.P.C and r/w 3, 5 of Tamil Nadu Property (Prevention of Damage and Loss) Act. Petitioners are in judicial custody from 04.07.2023. Therefore, he prays for grant of bail to the petitioners.

3.In response, the learned Government Advocate (Criminal Side) submitted that on 03.07.2023 at about 09.10 p.m., the defacto-complainant was driving the bus bearing No.TN 88E 4345 from Trichy to Namakkal. When he was going near to Pudupatti Government Higher



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Secondary School, petitioners suddenly stopped their ASTA car bearing No.TN 88C 8045 in front of the defacto-complainants's bus and scolded the driver and conductor in a filthy language. They had abused, man handled them and then broken the front wind screen of the bus and caused damages to the tune of Rs.24,750/-.

4.Considered the rival submissions and perused the records.

5.Considering the fact that the incident had happened in a road rage, and that petitioners are in judicial custody from 04.07.2023, this Court is inclined to grant bail to the petitioners with conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- each** (Rupees Ten Thousand only) each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court-II, Namakkal**, and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners without prejudice to their defence shall deposit a sum of Rs.35,000/-(Rupees Thirty Five Thousand only), to the credit of the Crime No.163 of 2023 before the Judicial Magistrate Court-II, Namakkal. On such deposit, learned Magistrate is directed to use the amount under Section 357 of Cr.P.C for awarding victim compensation; Payment of this amount will not amount to admission of guilt of the petitioner.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.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 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



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

25.07.2023

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To

1.The Judicial Magistrate No.II,
Namakkal.

2.The Inspector of Police,
Mohanur Police Station,
Namakkal District.

3.Central Prison, Namakkal.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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