



Crl.O.P.No.16560 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.16560 of 2023

K.Karthick

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Chettipalayam Police Station,
Coimbatore.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.199 of 2023 pending investigation on the file of the respondent police.

For Petitioner	: Mr.R.C.Paul Kanagaraj for Ms.P.J.Anitha
For Respondent	: Mr.S.Rajakumar Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.07.2023 for the offences punishable under Sections 294(b), 147, 148, 448, 323, 324 and 506(ii) IPC and 3(1) Tamil Nadu Public Property (Prevention of damage & Loss) Act, 1992 in Crime No.199 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as accused in Crime No.199 of 2023 for the offences under Sections 294(b), 147, 148, 448, 323, 324 and 506(ii) IPC and 3(1) Tamil Nadu Public Property (Prevention of damage & Loss) Act, 1992. Petitioner is innocent. Petitioner is in judicial custody from 02.07.2023. Therefore, he prays for grant of bail to the petitioner.

3. In response, learned Additional Public Prosecutor, opposed this petition, on the ground that, defacto complainant is working in a TASMAR bar opposite to CD Foundation. On 01.07.2023, at about 10.00 p.m., after closing the bar, three persons came in a bike at about 11.00 p.m., and asked for brandi. When it was informed that, the shop



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was closed at 10.00 p.m., they threatened the defacto complainant to give brandi, else they do not know, what would happen. As a result there was a wordy quarrel and they left. At about 02.00 a.m., on 02.07.2023, the accused came as a group with wooden log and UPVC window frame and started hitting. Karthick hit Periyakarupan with a wooden log. Dinesh, Dongli, Manikanda had hit with window frame. One person hit owner Joseph with beer bottle and made criminal intimidation to kill them and they escaped. As a result, 8 persons suffered injuries. 4 persons were treated as in-patients and 4 persons treated as out-patients. The injured had been discharged from the hospital. The petitioner has one previous case pending against him. Thus, he prays for dismissal of this petition.

4 Considering the nature of the incident and that injured had been discharged from the hospital and co-accused was granted bail and that material part of the investigation might have been over, this Court is inclined to grant bail to the petitioner with conditions and the petitioner is ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) with **two sureties**,



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each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate Court, Madukkarai** 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 petitioner shall stay at Tirunelveli and report before the Tirunelveli Town Police Station daily morning at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner 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 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 absconds, a fresh FIR



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can be registered under Section 229A IPC.

08.08.2023

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To

- 1.The District Munsif cum Judicial Magistrate Court, Madukkarai.
- 2.The Inspector of Police,
Chettipalayam Police Station,
Coimbatore.
- 3.Central Prison for men, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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