



CrI.OP.No.23998 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

**CrI.OP.No.23998 of 2023**

Kathiravan

...Petitioner

Vs.

The State represented by  
Inspector of Police,  
Koothanallur Police Station,  
Tiruvarur 614 101.  
Crime No.325 of 2023.

...Respondent

**PRAYER:** Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner on bail in connection with the case in Crime No.325 of 2023 pending investigation on the file of the Respondent police.

For Petitioner : Mr.S.Nirmal Aditya

For Respondent : Mr.R.Kishore Kumar  
Government Advocate (Criminal Side)

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 24.08.2023 for the offence punishable under Sections 147, 148, 452,



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294(b), 506(2) of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of damage and loss) Act, in Crime No.325 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity with the defacto complainant, the petitioner along with other accused joined together and assembled unlawfully and quarreled with the defacto complainant. During quarrel, the accused abused the defacto complainant in filthy language and threatened him with dire consequences and also damaged the house of the defacto complainant, house of his neighbour and an auto. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped in this case. He further submitted that the petitioner has been in custody for nearly 50 days and the petitioner is ready to abide by any stringent condition imposed by this Court. He also submitted that the co-accused in this case have been granted bail by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) stated that the petitioner is arrayed as A3. Due to previous enmity, the petitioner along with other accused have abused the defacto complainant in filthy language and threatened him with dire consequences. He further stated that the investigation is still pending. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, **the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime No.325 of 2023 before the Judicial Magistrate – II, Mannargudi, and the said amount will be disbursed to the defacto complainant, the neighbouring house owner and owner of the auto in equal parts by the Judicial Magistrate, and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/-**



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(Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Mannargudi, 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 report before the respondent Police daily 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].



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

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vkrr

To

1.The Judicial Magistrate No.II, Mannargudi.

2.The Sub Jail, Mannargudi.

3.The Inspector of Police,  
Koothanallur Police Station,  
Tiruvarur 614 101.

4.The Public Prosecutor,  
High Court of Madras.



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**C.V.KARTHIKEYAN.J**

vkr

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