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Crl.O.P.No.1193 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM

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

Crl.O.P.No.1193 of 2024

Padaiyappa @ Ramkumar
S/o. Subramani

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Namakkal Police Station,
Namakkal District.
(Crime No.682 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.682 of 2023 on the file of
the respondent.

For Petitioner : Mr. R. Parthiban

For Respondent : Mr. L. Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner/A1, who was arrested and remanded to the judicial custody on 18.12.2023 for the alleged offences under Sections 294(b), 427, 509, 506(i) of IPC and Section 3 of Tamil Nadu Property (Prevention of Damages & Loss) Act, 1992 in Crime No.682 of 2023 on the file of the respondent, seeks bail.

2.It is stated that the accused persons went to the Tea shop of the defacto complainant called Tea Time and took tea but refused to pay money. This escalated into a quarrel. They also caused damage to the articles worth about Rs.500/-.

3.This Court had considered the anticipatory bail of the co-accused in Crl.O.P.No.282 of 2024 and had granted anticipatory bail on 10.01.2024.

4.The learned Government Advocate (Crl. Side) for the respondent, stated that there are two previous cases against the petitioner herein.

5.It is also insisted that some condition should be imposed on the petitioner, but this is an application seeking bail. I would therefore place an onus on the learned Judicial Magistrate No.I, Namakkal, who tries the offence, that if the accused are convicted, he may impose necessary conditions towards the cost of damages caused by the accused persons.



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6. Taking all the factors into consideration and considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate – I, Namakkal 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 everyday 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



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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 can be registered under Section 229A IPC.

22.01.2024

smv

To

- 1.The Judicial Magistrate – I, Namakkal.
- 2.The Inspector of Police,



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Namakkal Police Station,
Namakkal District.

3. The Central Prison, Namakkal

4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.

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