



WEB COPY



Crl.O.P.No.3653 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

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

Crl.O.P.No.3653 of 2024

1. Gopinath

2. Arunkumar@ Ragul

... Petitioners

Vs.

The State represented by
The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District
Crime No.24 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.24 of 2024 on the file
of the respondent.

For Petitioners : Mr.C.S. Saravanan

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 29.01.2024, for the offences registered under Sections 147,



Crl.O.P.No.3653 of 2023

148,294(b), 448,506(ii) of I.P.C and Section 3(1) of Tamilnadu Public Properties (Prvnt of Damage Loss) Act, 1992 in Crime No.24 of 2024 on the file of the respondent Police, seeks bail.

2. It is stated that all the accused persons went to the TASMACH shop and quarrelled with the defcto complainant for opening the shop, which which escalated into violence and assault.

3.The learned counsel for the petitioners stated that each of the petitioners are prepared to deposit a sum of Rs.5,000/- each as compensation to the victim.

4. Merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

5.Taking all these factors into consideration, I am inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on condition to execute a 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, Tiruchengode** and on further conditions that:-



Crl.O.P.No.3653 of 2023

WEB COPY

[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 petitioners shall deposit a sum of Rs.5,000/- (Rupees five thousand only) each to the credit of Crime No.24 of 2024 before the learned **Judicial Magistrate, Tiruchengode** and on such deposit, the learned **Judicial Magistrate, Tiruchengode** may hand over the said amount to the defacto complainant.

[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 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].

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

16.02.2024

smn



Crl.O.P.No.3653 of 2023

WEB COPY

To

- 1.The **Judicial Magistrate, Tiruchengode.**
- 2.The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District
Crime No.24 of 2024
- 3.The Central Prison, Salem
4. The Public Prosecutor, High Court of Madras.



WEB COPY



Crl.O.P.No.3653 of 2023

C.V.KARTHIKEYAN, J.

smn

Crl.O.P.No.3653 of 2024

16.02.2024