



Crl.O.P.No.29095 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

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

Crl.O.P.No.29095 of 2023
and Crl.M.P.No.246 of 2024

Radhakrishnan

...Petitioner/Accused

Vs.

1.State represented by
The Inspector of Police,
Veerapandi Police Station,
Tiruppur District.

(Crime No.833 of 2023)

2.Kavitha

...Respondents

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.833 of
2023 on the file of the respondent, on such terms and conditions.

For Petitioner : Mr.R.Nalliyappan

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



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ORDER

The petitioner/accused in Crime No.833 of 2023, registered by the respondent for the offences under Sections 294(b), 341, 506(i) of IPC and Section 4 of TNPHW Act. The petitioner had been remanded to custody on 03.12.2023.

2.This Court had directed that the defacto complainant should also be impleaded and accordingly, an impleading application had also been filed and the learned counsel also appeared on behalf of the defacto complainant. This application has been allowed. The Registry, before issuing order copy, may also implead the defacto complainant as the 2nd respondent.

3.It is the case of the prosecution that the defacto complainant is a lady Advocate practising before the Principal District and Sessions Court, Tiruppur. She was engaged to get pass over in a case in which the petitioner was an accused. It is stated that the petitioner had come inside the Court hall in an intoxicated state and had abused the defacto complainant inside the Court hall but no report on that aspect had been forwarded by either the Presiding Officer of the Court or any other



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officer/staff of the Court. The attitude of the petitioner only reflects the mental stress which he would have suffered owing to the judicial process he was subjected to whatever the offence committed.

4.Taking all the factors into consideration, I am inclined to grant bail to the petitioner subject to the following conditions:

5.Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Judicial Magistrate No.I, Tiruppur, 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 appear before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] additionally, the petitioner must also submit a letter of apology before the Principal District and Sessions Court, Tiruppur. It must be filed along with the sureties which he is to produce before the concerned Magistrate Court.

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

[e] the petitioner shall not tamper with evidence or witness either



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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 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].

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

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To

- 1.The Judicial Magistrate No.I, Tiruppur.
- 2.The Central Prison, Coimbatore.
- 3.The Inspector of Police,
Veerapandi Police Station,
Tiruppur District.
- 4.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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