

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20149 of 2018

1 SURESH KUMAR
2 KARTHIK

[PETITIONERS / ACCUSED]

vs

STATE BY,
SUB INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
SALEM DISTRICT.
CR.NO.498 OF 2018.

[RESPONDENT]

For Petitioner : M/S.B.VASUDEVAN Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners were arrested on 30.07.2018 for the offence under Section 3 (1) of TNPPDL Act, 1992 and Section 324 of IPC in Cr.No.498 of 2018 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to the demise of the party leader, the petitioners took law on their own hands and damaged the windshield and other parts of the bus belonging to the Transport Corporation. Hence, the Driver of the bus lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that without going into the merits of the case, the petitioners are ready to pay the damaged amount to the Transport Corporation.

4.The learned Additional Public Prosecutor submits that if the damage amount is appropriated from the petitioners, this Court may consider for grant of bail to the petitioners.

5.Considering the fact that the petitioners are ready to pay the damaged amount to the Transport Corporation, I am inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on the condition of executing a bond for a sum of Rs.10,000/- (Rupees Ten

Thousand Only) each, with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Salem and on further condition that:

(a) the petitioners shall jointly pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) directly to the Managing Director of the concerned Transport Corporation. The receipt of such payment shall be produced at the time of executing the bond.

(b) 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;

(c) the first petitioners shall report before the respondent police as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond 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 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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

21/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

<https://hcservices.ecourts.gov.in/hcservices/>

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

5 STATE BY,
SUB INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
SALEM DISTRICT.

6 THE MANAGING DIRECTOR
OF THE CONCERNED TRANSPORT CORPORATION

+1 CC to M/S.B.VASUDEVAN Advocate on payment of necessary
charges SR.NO. 15714

CRL OP.20149/2018

Date :21/08/2018

RD 21/08/2018



WEB COPY