

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.18285 and 18286 of 2018

K.PRABU [PETITIONER / ACCUSED
IN CRL.OP.NO.18285/2018]

IMANUVEL [PETITIONER / ACCUSED
IN CRL.OP.NO.18286/2018]

Vs

THE STATE REP. BY ITS [RESPONDENT IN BOTH THE PETITIONS]
INSPECTOR OF POLICE,
MAPPEDU POLICE STATION,
THIRUVALLUR DISTRICT.
CR.NO.254 OF 2018

For Petitioner : M/S.D.DEVENDRAN Advocate
[IN BOTH THE PETITIONS]

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR
[IN BOTH THE PETITIONS]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners seek bail in Crime No.254 of 2018 registered by the respondent for the offence under Section 3(1) of Tamil Nadu PPDL Act, 1984.

2. The case of the prosecution as per the defacto complainant one Maruthi, who is the Branch Manager of UCO Bank, Perambakkam Village, is that on 24.06.2018 at about 4.30.p.m, they found that ATM machine belonging to their Bank damaged. Coming to know that he had verified CCTV footages and found that two persons, who had come to take money, had caused damage to the ATM machine, since the cash was not dispensed due to fault in the machine. Thereafter, during enquiry, it was found that the petitioners are the persons, who had caused damage to the ATM machine and the damage has been assessed at Rs.1,00,000/-.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that they have gone to the ATM Centre for taking money and though there was money in their account, cash was

not dispensed by the ATM machine and they have touched the machine and that they have also questioned the Bank Manager and enraged by the same, a false complaint has been given by the Bank Manager against them. He would submit that the petitioners are in custody from 03.07.2018 and that they have no previous case against them.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the case of the prosecution is that since the ATM Machine did not dispense the money, due to machine fault, the petitioners got enraged and caused damage to the ATM Machine. He would submit that the damage has been assessed at Rs.1,00,000/-.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and that the petitioner is in custody from 03.07.2018, 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 their 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-II, Thiruvallur, and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30.a.m until further orders.

[b] the petitioners shall co-operate with the progress of trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

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

-sd/-

20/07/2018

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,
NO.II, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE
SUB-JAIL, THIRUVALLUR

5 THE INSPECTOR OF POLICE,
MAPPEDU POLICE STATION,
THIRUVALLUR DISTRICT.

+2 CC to M/S.D.DEVENDRAN Advocate on payment of necessary
charges SR.NO. 13485,13486

CRL OP.18285 AND 18286/2018

Date :20/07/2018

RD 20/07/2018