

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2020

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THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.7052 of 2020

Arjun

... Petitioner

Vs.

The State, represented by
The Inspector of Police,
Kodavasal Police Station,
Thiruvarur District,
(Crime No.84/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.84 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Angamuthu

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on

02.03.2020 for the offences under **Sections 294(b), 353, 283 and 506(i) of IPC and r/w.Section 3 (1) of TNPPDL Act**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per defacto complainant is that the petitioner alongwith the other accused came in a drunken mood and quaralled with the defacto complainant who is a public servant and prevented him from discharging his duty and also caused damage to the doors of the Athikadai out post. When questioned by the defacto complainant the petitioner and his brother abused him and criminally intimidated.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. He would further submit that he is no way connected with the alleged offence. Hence, he prays that the interim bail be made absolute.

4.The learned Additional Public Prosecutor submitted that the petitioner and his brother damaged the public property. The petitioner abused and criminally intimidated the public servant. He would further submit that there is no previous case pending as against the petitioner.

5. Taking into consideration the facts and circumstances of the case the interim bail granted on 26.03.2020 and extended on 02.06.2020 is made absolute on his 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

Judicial Magistrate, Thiruvarur, within a period of two weeks after lifting the lock down and commencement of normal functioning of the Court's, failing which the bail granted by this Court shall stand dismissed automatically 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 as and when required for interrogation.

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

[e] the petitioner 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 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.

6. With the above directions, the criminal original petition is ordered.

23.06.2020

Internet : Yes/No

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To.

1. The Judicial Magistrate, Thiruvavarur.

2. The Principal Sessions Judge,
Thiruvavarur.

3. The Inspector of Police,
Kodavasal Police Station,
Thiruvavarur District,

4. The Public Prosecutor,
High Court, Madras.

5. The Superintendent (The Authority concerned)
Sub Jail, Nannilam.



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A.D.JAGADISH CHANDIRA, J.

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