

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI.O.P.No.9188 of 2020

Vignesh

... Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Aalivalam Police Station,
Thiruvarur District.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 634 of 2020 on the file of Inspector of Police, Aalivalam Police Station, Thiruvarur District.

For Petitioner : Mr. Swami Subramanian

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 07.06.2020 for the offences punishable under Section 3(1) of the Prevention of Damage to Public Property Act, 1984, in Crime No. 634 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the de-facto complainant, President of the Panchayat, is that the Petitioner and other accused caused damage to the two hand pumps which were installed for the purpose of providing drinking water to the public.

3.The learned counsel for the Petitioner would submit that the Petitioner is innocent and he has been falsely implicated in this case due to previous enmity. He would further submit that in fact, the Petitioner had gone to pacify the Panchayat President whereas his name has also been included in the list of accused who were arrested on 07.06.2020.

4.The learned Additional Public Prosecutor would submit that the Petitioner along with other accused caused damage to two hand pumps which were installed for the supply of water to the village people and

opposed for granting bail.

5. Taking into consideration of the facts and circumstance of this case, this Court is inclined to grant bail to the Petitioner subject to the following conditions:-

(a) Accordingly, the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined on his release;

(b) Thereafter, the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one week and thereafter, as and when required for interrogation.

(e) the Petitioner shall not commit any offences of similar nature;

(f) the Petitioner shall not abscond either during investigation or trial;

(g) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
22/06/2020

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,
THIRUTHURAIPOONDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AALIVALAM POLICE STATION,
THIRUVAUR RIDSTRICK.

5 THE OFFICER INCHARGE
SUB-JAIL, MANNARGUDI.

CC to M/S.SWAMISUBRAMANIAN Advocate on payment of necessary charges

CRL OP.9188/2020

Date :22/06/2020

TA-16/07/2020

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