

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.06.2020

CORAM

THE HON'BLE Mr.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.9564 of 2020

John @ Johnson,
S/o. Selvaraj Pavundadi Street,
Sangethi Village,
Thiruthuraipoondi Taluk,
Thiuvavarur District.

...Petitioner/ Sole Accused

Versus

The State Rep. By
Inspector of Police,
Edaiyur Police Station,
Thiruvarur District.
(Crime No.800 of 2020)

...Respondent/Complainant

Criminal Original Petition filed under Section 439 of Cr.P.C. seeking to enlarge the petitioner on bail in Crime No. 800 of 2020 on the file of the Inspector of Police, Edaiyur Police Station, Thiruvarur District.

For Petitioner : Mr.Swamisubramanian

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor.

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 16.06.2020 in Crime No.800 of 2020 on the file of the respondent police for the

offences punishable under Sections 294(b), 448, 427 and 506(i) of I.P.C altered to 294(b), 448 and 506(i) of IPC and Section 3 (1) of the Tamil Nadu Public Property(Damage & Loss) Act, 1984, seeks bail.

2.The case of the prosecution is that there was a election dispute between the petitioner and the de-facto complainant. The de-facto complainant is the President of the Sengathi Village Panchayat. It is further case of the prosecution that due to such previous enmity, the petitioner entered into the office of the de-facto complainant, he enquired about the de-facto complainant with the panchayat assistant, who was present there. On hearing that the de-facto complainant is not available in the office, the petitioner damaged the properties of the panchayat office worth about Rs.20,000/-.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and due to previous enmity, he has been falsely implicated in this case. Therefore, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor vehemently opposed the bail of the petitioner by contending that he has threatened the panchayat assistant with dire consequences and also caused extensive damage to the property of the panchayat.

5.Taking into consideration the facts and circumstances of the case and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a)The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the President of Sengathi Village panchayat office and on such deposit and production of proof, 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 and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District, within a period of two weeks from the date of lifting of lockdown and 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 every day at 10.30 am., for a period of one week and thereafter, as and when required.

(e)it is made clear, merely because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently;

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) 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];

(j) 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/-
26/06/2020

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,
THIRUVARURU DISTRICT

2 THE SUPERINTENDENT,
CENTRAL PRISON, NAGAPATTINAM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
EDAIYUR POLICE STATION,
THIRUVARUR DISTRICT

5 THE OFFICER INCHARGE
PRESIDENT OF SENGATHI VILLAGE PANCHAYAT OFFICE,
SENGATHI

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

CRL OP.9564/2020

Date :26/06/2020

rd 21/07/2020