IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2020

CORAM :

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

CRL.O.P.No.19329 of 2020

1. SARAN @ SARANRAJ ... Petitioners
2. ANANDHA @ ANANDHAKUMAR
3. SEENIVASAN

Vs.

STATE REP BY ... Respondent
The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.
(Crime No.981 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.981 of 2020 on the file of the respondent police.

For Petitioners : Mr.T.Muruganantham

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 22.12.2020 and the petitioner/A3 who was arrested and remanded to judicial custody on 23.11.2020 for the offence punishable under **Section 147, 148, 448, 435 of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.981 of 2020,** on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant Viz. Valarmathi is that she is running a provision store. On 22.11.2020, at about 9.00 p.m. the accused had come to her shop in an inebriated condition and asked for water bottle, glass and cigarettes for free, when the defacto complainant refused to give them, they have threatened the defacto complainant and at an early hours, they have also set fire on the shop of the defacto complainant and damaged the cement sheet worth Rs.1,500/- and the total damage is assessed to Rs.2,500/-.

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3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that due to previous enmity, the petitioners were implicated in this case. Admittedly, as per the allegations in the F.I.R. total damage is assessed to Rs.2,500/- and the petitioners without prejudice to his contentions, are prepared to deposit a sum of Rs.1,000/- each to the credit of Crime No.981 of 2020. Accordingly, prays for grant of bail.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioners have asked for water bottle, glass and cigarettes for free and when it was refused by the defacto complainant, the accused in order to take revenge, have set fire on the shop of the defacto complainant and also damaged the cement sheet. The total damage is assessed to Rs.2,500/-.

5.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration of the fact that the petitioners are prepared to deposit Rs.1,000/- to the credit of Crime number, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate, Gudiyatham**, and on further conditions that:

(b) 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;

(c) the petitioners shall deposit a sum of Rs.1,000/- (Rupees One Thousand only) each, to the credit of Crime No.981 of 2020 before the learned Magistrate.

(d) the petitioners on their release from prison shall report before the respondent police everyday at 10.30 a.m. until further orders.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

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

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

(h) 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/-
18/12/2020

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

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

TO

1 THE JUDICIAL MAGISTRATE,
GUDIYATHAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDIYATHAM TALUK POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT,
BORSTAL SCHOOL, VELLORE.

+1 CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary charges SR.NO.8464

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CRL OP.19329/2020

Date :18/12/2020

TA-21/12/2020

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