

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1792 of 2021

1.Marimuthu

2.Naveen @ Naveen Kumar

... Petitioners

Vs.

State Rep. by
Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.
(Crime No.27 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.27 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioners, who were arrested and remanded to judicial custody on 22.01.2021 for the offence punishable under Section 294 (b), 323, 427 IPC altered to 294(b), 323 of IPC and Section 3(1) of Tamil Nadu Public Properties Damages and Loss Act in Crime No.27 of 2021, seeks bail.

2. The case of the prosecution is that both the petitioners in an inebriated mood, abused the defacto complainant, who is the driver of the Tamilnadu Transport Corporation bus, in filthy language and beaten him by hands and also caused damage to the back side mirror of the bus, worth about Rs.7000/-. Hence, a case has been registered against the petitioners.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners have abused the defacto complainant with filthy language and caused damage to the mirror of the bus, worth about Rs.4000/- . Hence, she opposed to grant bail to the petitioners.

5. Considering the said facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, 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 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 No.I, Krishnagiri, and on further conditions that:

(b) The petitioners shall deposit a total sum of Rs.4,000/- (Rupees Five Thousand only) before the Judicial Magistrate No.I, Krishnagiri to the credit of Crime No.27 of 2011, on the file of the respondent police.

(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 petitioners shall report before the respondent police daily t 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

(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;

(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/-
05/02/2021

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.I,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI.

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

CRL OP.1792/2021

Date :05/02/2021

MK:08/02/2021