

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6389 of 2021

OTCHI @ VIJAYABARATH

[PETITIONER / ACCUSED]

Vs

1 THE INSPECTOR OF POLICE [RESPONDENT]
NAGAPATTINAM TOWN POLICE STATION,
NAGAPATTINAM DISTRICT.
CR.NO.131 OF 2021

2 AKILESWARAN

For Petitioner : M/S.J.JAWAHAR Advocate

For Respondent (R-1) : MR.K.PRABAKAR Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Section 341 of IPC and 3(1) of TNPPDL Act in Cr.No.131 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners, in an inebriated condition, damaged the front shield of the Government Bus. Hence, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there are seven previous cases pending as against the first petitioner and no previous case is pending as against the second petitioner. Hence, he opposed for grant of anticipatory bail to the first petitioner.

5. Taking into consideration of the facts and circumstances and also submissions made by the learned counsel on either side, this Court is inclined to grant bail to the second petitioner subject to the following conditions:

(a) Accordingly, the second petitioner is ordered to be released on bail on condition to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of the Branch Manager, Tamil Nadu State Transport Corporation, Nagappattinam Division and on such deposit and production of proof, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Nagapattinam, on condition that the second petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(b) the second petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the second petitioner shall report before the respondent police daily at 10.30 a.m. For a period of two weeks and thereafter, as and when required for interrogation;

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

(e) the second petitioner shall not abscond 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]; and;

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

6. In the result, this Criminal Original Petition is allowed insofar as the second petitioner is concerned and this Criminal Original Petition is dismissed insofar as the first petitioner is concerned.

-sd/-

08/04/2021

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, NAGAPATTINAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
NAGAPATTINAM TOWN POLICE STATION,
NAGAPATTINAM DISTRICT.

5 THE BRANCH MANAGER, TAMIL
NADU STATE TRANSPORT CORPORATION,
NAGAPATTINAM DIVISION

CC to M/S.J.JAWAHAR Advocate on payment of necessary charges
SR.NO. 4610

CRL OP.6389/2021

Date :08/04/2021

rvr 17/04/2021

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