

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.03.2021

CORAM :

THE HON'BLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.6226 of 2021

Sathriyan

... Petitioner

Vs.

State Rep. by
Inspector of Police,
Nagapattinam Town Police Station.
(Crime No.131 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.131 of 2021 on the file of respondent police.

For Petitioner : Mr.M.Ahamed Fazil

For Respondent : Mrs.M. Prabavathi,
Addl. Public Prosecutor

O R D E R

The respondent police has registered a criminal case against the petitioner in Crime No.131 of 2021 for the offence punishable under Sections 341 of I.P.C. and Sec. 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act. The petitioner was arrested and remanded to judicial custody on 03.03.2021. Accordingly, the petitioner has filed this petition seeking for bail.

2. The case of the prosecution is that on 02.03.2021, the petitioner is said to have pelted stone on the front glass of the TNSTC bus and broken it, thereby he had caused damages. Hence, a criminal case has been registered against him and he was arrested and remanded to judicial custody on 03.03.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that he is an innocent person and he has not committed any offence as alleged in the complaint. He would submit that he is the sole breadwinner of his family and if he was detained further custody, his family will be put into loss. He would also submit that a false case has been registered against him and the investigation is almost completed. Hence, he has filed this petition seeking to enlarge the petitioner on bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner had pelted stone on the front glass of the TNSTC bus, due to which, it was broken, and thereby he had caused damages. Hence, a criminal case has been registered against him and now, the investigation is almost completed. However, she vehemently opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case, the investigation is almost completed and also considering the period of incarceration suffered by the petitioner from 03.03.2021, 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 condition that the petitioner shall deposit a sum of Rs.35,000/- (Rupees Thirty Five Thousand only) to the credit of Crime No.131 of 2021 on the file of respondent police before the Judicial Magistrate No.I, Nagapattinam and also to 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 learned Judicial Magistrate No.I, Nagapattinam, 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 petitioner, on his release from prison, shall report before the respondent police once in a week i.e. on every Monday at 10.30 a.m. till the date of filing charge sheet;

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

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

(f) the petitioner 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 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];

(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/-
29/03/2021

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 OFFICER INCHARGE
SUB-JAIL, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
NAGAPATTINAM TOWN POLICE STATION.

+1 CC to M/S.M.AHAMED FAZIL Advocate on payment of necessary charges SR.No.4173

CRL OP.6226/2021

Date :29/03/2021

cs 30/03/2021