

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.6264 of 2021

Rajkumar @ Suresh

... Petitioner

Vs.

State represented by
The Inspector of Police,
Vennandur Police Station,
Namakkal District.
(Crime No.149 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.149 of 2021 on the file of the respondent police.

For Petitioner : Mr. W. Camyles Gandhi

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 03.02.2021 for the offence punishable under Sections 283,341,294 (b),353,506(ii) of IPC r/w 3 of TNPPL Act, 1992 in Crime No.149 of 2021, seeks bail.

2. Totally there are 3 accused in this case and the petitioner is A1. The allegation is that the defacto complainant is the driver of the Transport Corporation bus and there was a wordy quarrel between the defacto complainant and the other accused, due to which all the accused said to have broken the side view mirror of the bus and caused damages to the tune of Rs.2,000/-. Hence, a complaint came to be registered.

3. The learned counsel for the petitioner would submit that the occurrence has taken due to wordy quarrel between the parties. He would further submit that only other accused persons have broken the side view mirror of the bus and the petitioner is in jail for more than 50 days. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there was a wordy quarrel, all the accused said to have broken the side view mirror of the bus and caused damages to the windscreen of the bus to the tune of Rs.2,000/-. She would further submit that there are two previous cases of similar nature, pending against the petitioner. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and the fact that only due to wordy quarrel the occurrence has taken place also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) The petitioner is directed to pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of Crime No.149 of 2021 before the Judicial Magistrate, Rasipuram, within fifteen (15) days from the date of receipt of a copy of this order.

(b) On such deposit, the petitioner is ordered to be released on bail on condition 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 Judicial Magistrate, Rasipuram, and on further conditions that:

(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 as and when required for interrogation.

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

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

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

(h) 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 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];

(d) 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/-
30/03/2021

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,
RASIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAMAKKAL [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VENNANDUR POLICE STATION,
NAMAKKAL DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary charges SR NO. 4221

सत्यमेव जयते

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CRL OP.6264/2021
Date :30/03/2021

MN-31/03/2021