

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.10533 of 2021

Kanniyappan

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
Crime No.434 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.434 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.A.Gopinath
Government Advocate (CrI side)

ORDER

The petitioner, who was arrested on 03.06.2021 and remanded to judicial custody for the offences under Sections 447 IPC r/w Section 4 of TN Public Property (Prevention of Damage and Loss) Act, 1992, in Cr.No.434 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.05.2021 at about 11.00 p.m, the petitioner along with other accused were alleged to have trespassed into the farm of the defacto complainant and set fired the cabin of the lorry belonged to the defacto complainant and caused damage and loss. Hence he lodged a complaint before the respondent Police.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. Due to previous enmity, the defacto complainant has lodged a false complaint against the petitioner and would further add that the petitioner is an innocent person and hence prays for bail. However, on instructions, the learned counsel would submit that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.50,000/-.

4. The learned Government Advocate (Cr1.Side) would strongly oppose this petition and would submit that the petitioner was working as driver under the defacto complainant and due to previous enmity, he set fire on the lorry and caused damage about Rs.2,50,000/- . There is no previous case against the petitioner and the investigation is almost completed.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation and the undertaking given by the petitioner to deposit the amount on his own volition, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall make a payment of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the defacto complainant, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(b) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Jailer of the Sub Jail, Dharapuram in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(c) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Dharapuram;.

(d) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

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

(f) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

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

(i)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;

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

-sd/-
17/06/2021

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,
DHARAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
DHARAMPURAM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
DHARAPURAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, DHARAPURAM

CC to M/S. C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.10533/2021

Date :17/06/2021

RVR 18/06/2021