



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.14351 of 2021

Sankar

... Petitioner

Vs.

The State rep. By
Inspector of Police,
Namakkal Police Station,
Namakkal District.
(Cr.No.1489 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to grant bail to the petitioner pending investigation in Crime No.1489 of 2021 on the file of the respondent police.

For Petitioner : Mr.B.Sundarapandiyan

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 21.07.2021 for the offence under Sections 294(b), 427, 506(i) of IPC read with Section 3 of Tamil Nadu Public Property (Prevent of Damage and Loss) Act, in Crime No.1489 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner is alleged to have broken the windscreen glasses of 7 nos. of lorries which were parked at Veesanam Branch Road Overbridge, thereby caused damaged to the tune of Rs.70,000/-.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case. The learned, on instructions, further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.70,000/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant and other affected lorry owners. However, the learned counsel submitted that before disbursing the amount to the defacto complainant and other affected lorry owners, an appropriate affidavit of undertaking shall be obtained from them.



4. Heard the submissions made by the learned Government Advocate (Crl. Side).

5. Considering the fact that the petitioner is ready to deposit a sum of Rs.70,000/- and the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.1, Namakkal and on further condition that:

(a) the petitioner shall deposit a sum of Rs.70,000/- (Rupees Seventy Thousand Only) to the credit of Cr.No.1489 of 2021 before the learned Judicial Magistrate Court No.1, Namakkal. On such deposit being made, the learned Judicial Magistrate Court No.1, Namakkal, shall obtain an affidavit of undertaking from the defacto complainant and other affected lorry owners stating that in the event of the petitioner succeeding the case, the amount will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant and other affected lorry owners, shall disburse the said amount to the defacto complainant and other affected lorry owners within a period of two weeks thereafter;

(b) 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;

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

(e) the 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 petitioners 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.

WEB COPY

-sd/-
13/08/2021

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, NAMAKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE OFFICER INCHARGE
SUB JAIL, NAMAKKAL.

+1 CC to M/S. B.SUNDARAPANDIYAN Advocate on payment of
necessary charges SR.NO.8519

CRL OP.14351/2021

Date :13/08/2021

TA-16/08/2021