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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.15522 of 2021

H.Venkatesh

... Petitioner

Vs.

State

The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.
(Crime No.348 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.348 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Balamurugan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 17.08.2021 for the offence under Sections 447 of I.P.C. and Section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 in Crime No.348 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner along with the other accused is alleged to have damaged a School building situated near the Hosur Old Bus Stand. The Municipal Commissioner of Hosur is the defacto complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. The learned counsel, on instructions, further submitted that the petitioner is ready to make a non - refundable deposit of a sum of Rs.10 Lakhs for renovation of the School building alleged to have been demolished by the accused in the case.



4.The learned Government Advocate (Criminal Side) submitted that the District Administration has valued the property worth as Rs.36 Lakhs, however, in the event of the petitioner depositing a sum of Rs.10 Lakhs, this Court may consider grant of bail to the petitioner.

5.Considering the fact that the petitioner is ready to make a non - refundable deposit of a sum of Rs.10 Lakhs for renovation of the demolished School building, I am inclined to grant bail to the petitioner, however, the benefit of this order is not applicable to the other accused.

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 - II, Hosur and on further condition that:

(a)the petitioner shall make a non - refundable deposit of a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) to the credit of Crime No.348 of 2021 before the learned Judicial Magistrate - II, Hosur. On such deposit being made, the learned Judicial Magistrate - II, Hosur, shall disburse the said amount to the defacto complainant, within a period of two weeks thereafter, to be used for re-construction of the demolished School building;

(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.

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-sd/-
17/09/2021

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.II,
HOSUR

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
HOSUR TOWN POLICE STATION,
KRISHNAGIRI DISTRICT

5 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI.

CC to M/S A.BALAMURUGAN Advocate on payment of necessary charges

CRL OP.15522/2021

Date :17/09/2021

APN 20/09/2021