



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirty First day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15546 of 2021

1 MADHAVAN
2 SUNDHAR RAJ

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
NEEDAMANGALAM POLICE STATION,
THIRUVARUR DISTRICT.
(CRIME NO. 544 OF 2021)

[RESPONDENT]

For Petitioner : M/S. V.CHELLAMMAL Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offence punishable under Sections 147, 148, 294(b), 332, 307, 506(ii) IPC and Section 3(1) of TNPPDL Act in Crime No.544 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was while working as a driver in Mannarkudi Depot at Tamil Nadu Transport Corporation, on 19.07.2021 when he and his conductor took the bus from Mannargudi to Koyambedu and again on 20.07.2021 when they returned from Koyambedu to Mannarkudi with passengers, at that time, Needamangalam Railway Crossing, gate was closed for the train crossing. Therefore, his bus and other vehicles were kept parking and waited for raising the gate and after the gate was raised, the defacto complainant has started the bus. In the meantime, the accused persons riding in a two wheeler behind his bus blocked the bus and they abused the defacto complainant in filthy language and also assaulted him with wooden log and damaged the said bus to the tune of Rs.1,00,000/-, thereby, the defacto complainant had sustained injuries. Hence the complaint.



3. The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, he further submits that without prejudice to their defence and contentions, the petitioners on their own volition, are willing to contribute a sum of Rs.75,000/- for the purpose of repairing and renovating the Government bus. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI.Side) opposed for granting of anticipatory bail stating that the petitioners along with other accused abused and attacked the defacto complainant and also damaged the aforesaid bus which belongs to Tamil Nadu State Transport Corporation.

5. Taking into consideration the submissions advanced on behalf of the petitioners and also the fact that the petitioners have willfully and on their own volition agreed to contribute a sum of Rs.75,000/- for renovating and repairing the Government bus, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the *learned District Munsif-Cum-Judicial Magistrate Needamangalam* on condition that each of the petitioners shall execute a separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners shall make a non-refundable deposit of Rs.75,000/- to the credit of " The Managing Director, Tamil Nadu State Transport Corporation, Thiruvavur District, for the repairing and renovating the Government bus in the said District under necessary acknowledgment without prejudice to their defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioners ;

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

(d) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;



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

(g) 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 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]*; and;

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

-sd/-
31/08/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NEEDAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
NEEDAMANGALAM POLICE STATION,
THIRUVARUR DISTRICT.

4 THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION,
THIRUVARUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. V.CHELLAMMAL Advocate on payment of necessary charges

CRL OP.15546/2021

Date : 31/08/2021