



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16758 of 2021

1. Vijay
2. Jayaseelan,

... Petitioners

Vs.

State rep by,
The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.
(Crime No.248 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.248 of 2021 pending investigation on the file of the respondent.

For Petitioners : Mr.P.Muthamizhselvakumar

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

ORDER

The petitioners who were arrested on 18.08.2021 and remanded to judicial custody for the offences under Section 294(b), 353, 307 of IPC r/w 3(1) Prevention of Damage to Public Property Act 1984 in Crime No.248 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the respondent police doing their patrol duty near Pochampalli river, the accused persons in a drunken state was making public nuisance by disturbing the public. When the same was enquired by the respondent police, the accused have abused them in filthy language and started throwing beer bottles against the police and caused damage to the police vehicle worth about Rs.15,000/-. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 18.08.2021. However, on instructions, the learned counsel further submitted that the petitioners, without prejudice their rights, on their own volition, are ready to deposit an amount of Rs.15,000/- for the purpose of repairing damaged vehicle in the Police Department, Krishnagiri District. Therefore, he prays to grant bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that there are no previous case pending as against the petitioners. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 learned District Munsif-Cum-Judicial Magistrate Court, Dhenkanikottai .and on further condition that:

(a) the petitioners shall make a non-refundable deposit of 15,000/- by way of demand draft drawn in favour of the Superintendent of Police, Krishnagiri District for the purpose of repairing damaged vehicle in the Police Department, Krishnagiri District, without prejudice to their defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgment, shall accept the sureties furnished by the petitioners;

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

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

(e) the petitioners 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 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;



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

WEB COPY

-sd/-
13/09/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE COURT,
DHENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI DISTRICT (FOR INFORMATION).

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ROYAKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S. P.MUTHAMIZHSELVAKUMAR Advocate on payment of
necessary charges

CRL OP.16758/2021

Date :13/09/2021

INBA 14/09/2021