



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.20695 of 2021

1. Sivakumar
 2. Vignesh
 3. Angamuthu
 4. Kameshwaran @ Kamaraj
- ... Petitioners/Accused

Vs.

State by: Inspector of Police,
Olakkur Police Station,
Viluppuram District.
(Crime No.471 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in the event of arrest in Crime No.471 of 2021 on the file of the respondent police.

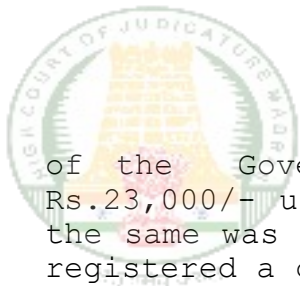
For Petitioners : M/S.N.Saravanan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.side)

ORDER

The petitioners, who were arrested on 24.10.2021 and remanded to judicial custody for the offences under Sections 147, 148, 294(b), 341, 353, 109 of IPC and 3(1), 5, TN Public Property (PRVNT.OF DAMAGE & LOSS) ACT, 1992 in Crime No.471 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the local body election was conducted, the petitioner candidate ward member one Sudha was not permitted to cast vote in Chairman Election due to which there arose a wordy quarrel between the parties and thereafter, the petitioners along with other persons conducted road roko opposite to the BDO Office on NH-45 Road and they have also damaged the windshield



of the Government Bus bearing No.TN 45 N 4095 of worth about Rs.23,000/- using stone and tried to burn the bus using kerosene and the same was prevented by the police. Hence, the law enforcing agency registered a case against the petitioners.

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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 24.10.2021. He further submitted that the petitioners on their own volition have paid a sum of Rs.25,000/- to the driver of the bus under due acknowledgement. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioners conducted road roko and disturbed the public. He further submits that the 3rd and 4th petitioners are not arrayed as accused and the damage amount has been paid directly to the driver of the bus. He furthermore, submits that no one sustained injuries. However, he vehemently opposed for grant of bail to the petitioners.

5. Considering the period of incarceration suffered by the petitioners and since the 3rd and 4th petitioners are not arrayed as accused, the bail petition stands closed in the case of 3rd and 4th petitioner however, since the petitioners have paid the damage amount to the driver of the bus, this Court is inclined to grant bail to the 1st and 2nd petitioners with certain conditions:

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) each, with two sureties, each for a like sum and the receipt for payment of Rs.25,000/- to the Managing Director of State Transport Corporation to the satisfaction of the learned Judicial Magistrate No.I, Tindivanam and on further condition that:

(a) 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;

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

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

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



(e) 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;

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

7. The respondent shall take necessary steps to get back the money from the driver of the bus and hand it over to the Managing Director of the Transport Corporation within a period of two weeks.

-sd/-

29/10/2021

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, TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
OLAKKUR POLICE STATION,
VILUPPURAM DISTRICT.

4 THE OFFICER INCHARGE,
SUB-JAIL, TINDIVANAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.N.Saravanan Advocate on payment of necessary charges SR.NO.12156

CRL OP.20695/2021

Date :29/10/2021

JPA 01/11/2021