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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.20807 of 2021

1.Ramesh
2.Pravin

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.
(Crime No.243 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.243 of 2021 on the file of the Respondent Police.

For Petitioners: M/S.J.Pradeep

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

ORDER

The petitioners who were arrested on 19.10.2021 and remanded to judicial custody for the offences under Section 294(b), 341 of IPC and Section 3(1) of PPDL Act in Cr.No.243 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners have damaged the Government Bus backside wind screen glass. Hence, the law enforcing agency registered a case against the petitioner.

3.The learned counsel for the petitioner 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 19.10.2021. However, on instructions, the learned counsel further submitted that the petitioners, without prejudice to their rights, on their own volition, are ready and willing to contribute a sum of Rs.20,000/- for the purpose of repairing the damaged bus. Therefore, he prays to grant bail to the petitioners.



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

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

6. Accordingly, the petitioners are ordered to be released on bail on their executing bonds 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 Munsif-Cum-Judicial Magistrate, Harur, Dharmapuri District, and on further condition that:

(a) the petitioner shall make a non-refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the Managing Director, Tamil Nadu State Transport Corporation, Dharmapuri District for repairing the damaged bus in the said District under necessary acknowledgement, 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/acknowledgement, 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.

-sd/-

02/11/2021

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 MUNSIF CUM JUDICIAL
MAGISTRATE, HARUR,
DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOTTAPATTI POLICE STATION,
DHARMAPURI DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, HARUR, DHARMAPURI DISTRICT.

6 THE MANAGING DIRECTOR,
TAMILNADU STATE TRANSPORT CORPORATION,
DHARMAPURI DISTRICT.

CC to M/S.J.PRADEEP Advocate on payment of necessary charges

CRL OP.20807/2021

Date :02/11/2021

RVR 08/11/2021