



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21954 of 2021

1. Krishnamoorthi ... Petitioners
2. Ravi

Vs.

State Rep. by ... Respondent
The Inspector of Police
Krishnagiri Town Police Station,
Krishnagiri District.
(Crime No.387 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.387 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Jayachandran

For Respondent : Mr.N.S.Suganthan
Govt. Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 02.11.2021 for the offences under Section 3(1) of TNPPDL Act 1992, in Crime No.387 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is the driver of TNSTC transport, driving the bus from Krishnagiri to Pochampalli, at that time, the petitioners had damaged the bus's front glass worth about of Rs.5,000/- Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and that the petitioners have been in jail from 02.11.2021. 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.5,000/- to the Registered Advocates Clerks Association, Krishnagiri District. Hence he prays for grant of bail to the petitioners.



4. The learned Government Advocate appearing for the respondent raised objection stating that the petitioners have damaged the TNSTC bus by throwing stone on the bus's front glass.

5. Considering the period of incarceration suffered by the petitioner and the fact that investigation is almost completed, 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 a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Krishnagiri District, and on further condition that:

(a) the petitioners shall make a non-refundable deposit of Rs.5,000/- , by way of demand draft to the Registered Advocates Clerks Association, 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/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, on every Friday 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/-

22/11/2021

WEB COPY

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, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE REGISTERED ADVOCATES CLERKS ASSOCIATION,
KRISHNAGIRI DISTRICT.

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

CRL OP.21954/2021

Date :22/11/2021

CSK 24/11/2021