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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

CORAM:

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

Cr1.O.P.No.22392 of 2021

Premkumar

... Petitioner

Vs.

The State represented by
Inspector of Police
Vaitheeswarankoil Police Station
Nagapattinam District.
Crime No: 90 of 2021.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No. 90 of 2021 on the file of Inspector of Police, Vaitheeswarankoil Police Station, Nagapattinam District.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.N.S.Suganthan
Government Advocate

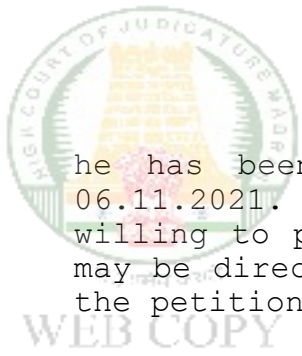
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 06.11.2021 for the offences under **Section 3(1) of Tamil Nadu Property (Prevention of Damage & Loss) Act**, in Crime No.90 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.01.2021, when the bus bearing route No.2244 was plying towards Thirunariur Vettar river bridge, a person who came in a two wheeler belongs to a political party and agitating for reservation had pelted stones on the front glass door of the bus and caused damages to the tune of Rs.8000/-. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that



he has been suffering incarceration for more than 20 days from 06.11.2021. He would further submit that the petitioner is ready and willing to pay a sum of Rs.5,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) raised objection stating that the petitioner is a habitual offender and he has got two previous cases against him.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand Only), to the credit of the **Legal Services Authority, Nagapattinam**, without prejudice to his rights and contentions. The amount so deposited shall be utilised for the welfare of poor litigants.

6. It is made clear that the deposit of the amount by the petitioner to the said Authority would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the period of incarceration undergone by the petitioner and the investigation is almost completed, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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) with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sirkazhi**, and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of **Rs.5,000/- (Rupees Five Thousand Only)** through demand draft to the **Legal Services Authority, Nagapattinam**, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

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

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

(e) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
29/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
SIRKAZHI, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VAITHEESWARANKOIL POLICE STATION,
NAGAPATTINAM DISTRICT.

5 THE OFFICER INCHARGE
DISTRICT JAIL, NAGAPATTINAM.



6 THE OFFICER INCHARGE
LEGAL SERVICES AUTHORITY,
NAGAPATTINAM.

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+1 CC to M/S. C.PRABAKARAN Advocate on payment of necessary
charges SR.NO.13612

CRL OP.22392/2021

Date :29/11/2021

TA-30/11/2021