



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM:

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

Cr1.O.P.No.22418 of 2021

1.Premkumar
2.Ganesh @ Kabilan
3.Sarathkumar @ Sarath ... Petitioners

Vs.

The State represented by
Inspector of Police
Vaitheeswarankoil Police Station
Nagapattinam District
(Crime No.644 of 2021) ... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioners pending investigation in Crime No.644 of 2021 on the file of the Inspector of Police Vaitheeswarankoil Police Station, Nagapattinam District.

For Petitioners : Mr.C.Prabakaran

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

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 06.11.2021 for the offences under Sections 427 of IPC and u/s. 3(1) of Tamil Nadu Property (Prevention of Damage & Loss) Act, in Crime No.644 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is working as a Driver of TNSCTC Bus. On 02.11.2021 at about 08.40 p.m, the defacto complainant was driving the bus from Chidambaram to Palani and when the bus was nearing Indra Bawan Kalyana Mandapam, some persons pelted stones and damaged the glass of the bus. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and that the petitioners names are not found in the FIR. He would further submit that the petitioners been suffering incarceration for about 19 days from 06.11.2021. However, on instructions, he would submit that the petitioners without prejudice to their rights and contentions are ready to pay a substantial amount to any charitable institute as may be directed by this Court and he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioners caused damages to the Government bus by pelting stones but admits that the investigation is almost completed.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners shall be directed to make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand Only), to the credit of the Legal Services Authority, Chennai, without prejudice to their rights and contentions. The amount so deposited shall be utilised by the Association for the welfare of the poor litigants.

6. It is made clear that the deposit of the amount by the petitioners 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 petitioners and that the investigation is almost completed, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing separate 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 Judicial Magistrate, Sirkazhi, and on further conditions that:

(a) the petitioners shall make non-refundable deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) through demand draft to the Legal Services Authority, Chennai, without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, 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;

(e) 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/-
26/11/2021

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 JUDICIAL MAGISTRATE,
SIRKAZHI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
VAITHEESWARANKOIL POLICE STATION,
NAGAPATTINAM DISTRICT

4 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGAPATTINAM.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SECRETARY,
TAMIL NADU LEGAL SERVICES AUTHORITY
HIGH COURT, MADRAS.

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

CRL OP.22418/2021

Date :26/11/2021

JPA 29/11/2021