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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2021

CORAM:

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

Cr1.O.P.No.22776 of 2021

Kathiravan

... Petitioner

Vs.

State Rep. By
The Inspector of Police
Ayilpatti Police Station
Namakkal District
(Crime No.462 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.462 of 2021, pending investigation on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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 offence under Sections 283 and 353 of IPC read with Section 3 of TNPPDL Act, in Crime No.462 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the TNSTC Bus Driver. On the date of occurrence, he was driving the bus from Rasipuram to Attur and when the bus was nearing Ayilpatty Bus stand, the petitioner and other accused stopped the bus and thrown stones and damaged the glass of the bus. 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 the



petitioner has been suffering incarceration for 25 days from 06.11.2021. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and would pray for grant of bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner has caused damages to the Government bus by pelting stones.

5. Considering the facts and circumstances of the case and considering the period of incarceration undergone by the petitioner and that the investigation is almost completed, this Court is inclined to grant bail to the petitioner 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) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Rasipuram, and on further conditions that:

(a) the petitioner shall donate Books to the value of Rs.5,000/- to any Government School in Namakkal District with proper receipt/acknowledgement and the learned Judicial Magistrate, after perusing the receipt/acknowledgement 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;

(d) 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.

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-sd/-

30/11/2021

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,
RASIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AYILPATTI POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR.No.13738

CRL OP.22776/2021

Date :30/11/2021

APN 30/11/2021