



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM:

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

Crl.O.P.No.25043 of 2021

1.Sivakumar
2.Vinoth Kumar
3.Sivanandam
4.Chinnasamy

... Petitioners

Vs.

The State rep. by
The Inspector of Police
Hosur Town Police Station,
Krishnagiri District.
(Crime No.639 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.639 of 2021 on the file of the respondent police.

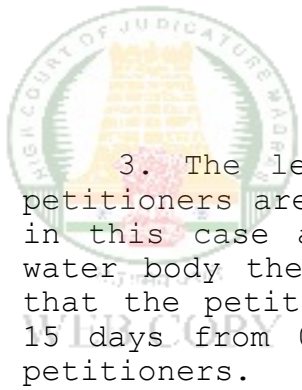
For Petitioners : Mr.C.Mohan Raj

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 02.12.2021 for the offences under Section 430 and 431 of Cr.P.c and Section 3(1) of prevention of Damage to Public Property Act, in Crime No.639 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that petitioners broken the lake wrap without informing the Government Officers. Hence, the complaint.



3. The learned Counsel for the petitioners submitted that the petitioners are innocent person and they have been falsely implicated in this case and he further submits that during flood to save the water body the petitioners broken the lake wrap. He further submits that the petitioners have been suffering incarceration for more than 15 days from 02.12.2021. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) submits that petitioners were damaged the lake wrap without permission of Government authorities and the same was rectified by the Government Authorities. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that damage caused by the petitioners was rectified by the Government Authorities and also the fact that during flood, the petitioners were opened the lake for saving the water body, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioners are 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 No.II, Hosur, Krishnagiri, and on further conditions that:

(a) 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;

(b) the petitioners shall report before the respondent police station on every Wednesday at 10.30 a.m. until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) 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 are 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;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-
20/12/2021

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.II, HOSUR, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

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

4 THE OFFICER INCHARGE,
KRISHNAGIRI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to Mr.C.Mohan Raj Advocate on payment of necessary charges
SR.NO.15159

CRL OP.25043/2021

Date :20/12/2021

JPA 21/12/2021