



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.10136 of 2021

Navas

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
Gandhi Market Police Station,
Trichy City.
(Crime No. 437 of 2021)

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No. 437 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 07.07.2021 for the offences punishable under Sections 294(b) of IPC and Section 3(1) of TNPPDL Act in Crime No.437 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is working as a conductor in SMBS 83 bus bearing Reg.No.TN 45 BB 3879. Arulappan is the driver. On 06.07.2021 at about 7.35 pm., they reached Chattiram bus stop . Two persons aged about 19 years boarded the bus and got ticket for Prabath roundana. When the bus reaches Prabath roundana they did not get down from the bus and told that they will get down at Prabath overbridge. When the defacto complainant replied that the bus will not stop there the accused persons scolded him in filthy language and also caused damage to the glass window with stone, as a result the glass window had broken. The value of damage is Rs.8500/-



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 07.07.2021, hence he seeks bail.

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4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed. He would further submit that no previous case is pending against the petitioner.

5. Considering the nature of incident and the fact that the petitioner is in judicial custody from 07.07.2021, this Court is inclined to grant bail to the petitioner

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 No.V, Trichy and on further condition 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 petitioner is directed to deposit a sum of **Rs.4250/- (Rupees Four thousand two hundred and fifty only) to the credit of Crime No.437 of 2021 before the** learned Judicial Magistrate No.V, Trichy without prejudice to his rights and contentions before the trial Court;

[c] the learned Judicial Magistrate No.V, Trichy is directed to pass appropriate orders with regard to the disbursing of the amount at the time of final disposal of the case including granting compensation to the de-facto complainant

[d] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/07/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE NO.V,
TRICHY.
- 2.-DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON,TRICHY
- 4.THE INSPECTOR OF POLICE,
GANDHI MARKET POLICE STATION,
TRICHY CITY.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10136 of 2021
Date :30/07/2021

aav
RT/JC/SAR-I/30.07.2021/3P/5C