



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 24/08/2021  
PRESENT

WEB COPY

**The Hon`ble Mr.Justice B.PUGALENDHI**

CRL OP(MD). No.12074 of 2021

T.Dhansekar

... Petitioner/Accused No.5

**Vs**

The State rep.by  
The Inspector of Police,  
Pettavaithalai Police Station  
Trichy District  
Crime No.284 of 2021

... Respondent/Complainant

For Petitioner : Mr.B.JAMEEL ARASU,  
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,  
Government Advocate (Crl.Side)

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

**PRAYER :-**

For Bail in Crime No.284 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested on 02.08.2021, for the offence punishable under Sections 147 and 341 I.P.C r/w Section 3(1) of Tamil Nadu Prevention of Damages to Public Property Act, 1984, in Crime No.284 of 2021 on the file of the respondent police, seeks bail.

2. The complaint has been lodged by 108 ambulance driver attached with the Government Hospital, Kuzhithurai. When the complainant visited the village for taking some of the injured in the ambulance, the petitioner and four others have surrounded the ambulance, prevented him from taking the injured and also caused damage to the left side window glass of the ambulance. Hence, the case.

3.The learned counsel for the petitioner submits that there was a clash between two groups and one of the groups wanted to create some record as if they got injured and called 108 ambulance. Therefore, the villagers prevented the ambulance and on that time, the said occurrence had happened. However, to show his bona fide, the learned counsel for the petitioner would submit that the



petitioner would replace the damaged window glass of the ambulance and if the damaged glass was already replaced, the petitioner would pay the amount spent by the department concerned for replacing the window.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police, on instructions, would submit that the final report is yet to be filed.

5. Considering the facts and circumstances of the case, the period of incarceration and the fact that the petitioner, in order to show his bona fide, is ready to replace the damaged window glass of the ambulance and if the damaged glass was already replaced, the petitioner would pay the amount spent by the department concerned for replacing the window, 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 District Munsif Cum Judicial Magistrate, Srirangam, Thiruchirappalli 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 petitioner shall execute the sureties on showing the receipt for replacing the damaged window glass of the ambulance or the amount paid to the department concerned which was already spent for that work.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

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

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

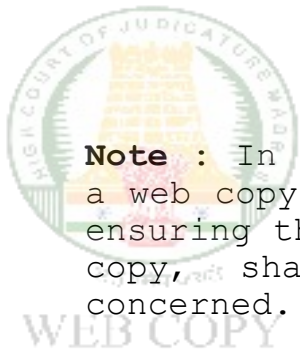
[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-  
24/08/2021

/ TRUE COPY /

/ /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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, SRIRANGAM,  
THIRUCHIRAPPALLI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUCHIRAPPALLI DISTRICT.
3. THE SUPERINTENDENT  
CENTRAL PRISON, THIRUCHIRAPPALLI
4. THE INSPECTOR OF POLICE,  
PETTAVAITHALAI POLICE STATION  
TRICHY DISTRICT
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

**ORDER**

**IN**

CRL OP(MD) No.12074 of 2021

Date : 24/08/2021

SA/JC/SAR.3/24.08.2021/3P/6C