



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.14821 of 2021

Senthil

...Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Manachanallur Police Station
Trichy District
Crime No.484 of 2021

...Respondent/Complainant

For Petitioner : Mr.M.SURESH
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR
Additional Public Prosecutor(crl.side)

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

PRAYER :-

For Bail in Crime No.484 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested 20.09.2021 for the offence under Sections 341 and 294(b) I.P.C and Section 3(1) of Tamil Nadu Prevention of Damage to Public Property Act, 1984, in Crime No.484 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 driver in Tamil Nadu Transport Department. On 19.09.2021, when the defacto complainant stopped the Government Bus in Alagiyamanavalam, Kaikatti Bus Stop, some unknown persons damaged the front glass of the bus, worth about Rs.7,000/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner's wife and his son was attacked by one Satish Kumar and others, for that, the petitioner lodged a complaint, but, the respondent police have not taken any action on the complaint. Due to sudden provocation, the present occurrence had taken place. He would further submit that there was no intention to commit the offence as alleged by the prosecution. However, to show his bona fide, the petitioner is ready to pay a sum of Rs. 10,000/- to the Manager, Tamil Nadu State Transport Corporation, Trichy, for



replacing the glass of the bus, without prejudice to his case before the trial Court. He would further submit that the petitioner is languishing in jail from 20.09.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of alleged levelled as against the petitioner, his willingness to pay some amount to the TNSTC Department and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall pay a sum of Rs.10,000/ (Rupees ten thousand only) to the Manager, Tamil Nadu State Transport Corporation, Trichy, for replacing the glass of the bus, without prejudice to his case before the trial Court. The Manager, TNSTC, Trichy shall acknowledge the receipt of the same.

7.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/-(Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, 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 Aadhaar card or bank pass book to ensure their identity.

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

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

[d] the petitioner 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 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]**.

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

sd/-

01/10/2021

/ 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 JUDICIAL MAGISTRATE NO.III
TRICHY
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
MANACHANALLUR POLICE STATION
TRICHY DISTRICT
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION,
TRICHY.

**ORDER
IN**

CRL OP(MD) No.14821 of 2021
Date : 01/10/2021

SA/SKN/SAR.3/01.10.2021/3P/7C