



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM:

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

Crl.O.P.No.180 of 2022

Loganathan

...Petitioner

Vs.

The State rep. by Inspector of Police,
Gudimangalam Police Station
Tiruppur District.
Crime No.845 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in connection with the Crime No.845 of 2021 on the file of the respondent police.

For Petitioner : Mr.D.R.Arun Kumar

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

For Intervenor : M/S Deepan Uday

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 18.12.2021 for the offences under Sections 447 IPC and Section 3 of the T.N. Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.845 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had damaged the solar electric tower that belongs to the de facto complainant's company namely Arja Energy Private Limited which is worth about Rs.2 lakhs and thereby, caused daily transmission loss of Rs.1.5 lakhs. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he is no way connected with the allege offence and that he has been falsely implicated in this case. He would further submit that the petitioner has been in judicial custody for more than 15 days from 18.12.2021. Hence, he would pray for grant of bail to the petitioner.



4.The learned Government Advocate (Crl. Side) would raise objection stating the petitioner threatened the de facto complainant's company people and demanded money and the same was refused them. Hence, the petitioner damaged the solar electric tower belongs to the defacto complainant's company but admits that the investigation is almost completed.

5. Mr.Deepan Uday, learned Counsel for the Intervenor would strongly object stating that the petitioner had threatened the de facto complainant's company people and demanded money. Since, the same was refused, he caused damages to the property of the defacto complainant's company.

6.Considering the facts and circumstances of the case and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Crime No.845 of 2021 and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each out of which, one surety must be the blood relative of the petitioner, before the learned Judicial Magistrate-II, Udumalpet, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

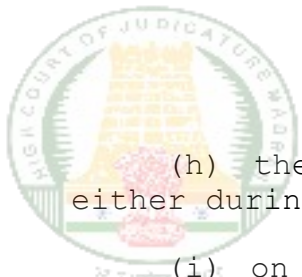
(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall appear before the respondent police on every Wednesday and Sunday at 10.30 a.m. until further orders.

(e) the defacto complainant is permitted to withdraw the said deposit amount of Rs.50,000/- (Rupees Fifty Thousand Only) on proper identification and acknowledgement.

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;



(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

06/01/2022

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, UDUMALPET

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
GUDIMANGALAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to Mr.D.R.Arun Kumar Advocate on payment of necessary charges Sr.253

CRL OP.180/2022

Date :06/01/2022

RVR 07/01/2022