



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

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

Cr1.O.P.No.1429 of 2022

V.M.Suresh

... Petitioner

Vs.

The State Rep. by
The Sub Inspector of Police,
Kadambathur Police Station,
Thiruvallur District.
(Crime No.05 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.5 of 2022 on the file of the respondent police.

For Petitioner : Mr.N.Kumanan

For Respondent : Mr.A.GokulaKrishnan
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 05.01.2022 for the offences under Sections 427 and Section 3 of TNPPD Act 1992 in Crime No.5 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant/BDO Kadambathur lodged a complaint against the petitioner before the respondent police stated that the petitioner herein demolished the dilapidated school building without any tender or approval of Panchayat Union. Hence, the complaint.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is the contractor by profession and he is also the councillor for the Ward No.II in Kadambathur Panchayat Union. As per the Resolution No.381 and 390 dated 12.11.2021



passed by the Kadambathur Panchayat Union to demolish the dilapidated school building in Venmanampudhur Primary School, as per the resolution, he got a work order dated 22.11.2021 was issued and only in the presence of Block Development Officer, Assistant Engineer and Head Mistress on 07.12.2021, the school building was demolished on 07.12.2021, due to the political vendetta, the complainant lodged a false complaint against the petitioner. He further submits that the petitioner was suffering incarceration for 60 days from 22.11.2021. Hence, he seeks to grant bail to the petitioner.

4. The learned Additional Public Prosecutor raised objection stating that the petitioner demolished the some other school building instead of the building allotted to him.

5. A perusal of the available records placed before the Court reveals that the petitioner is contractor and he got a contract to demolish the school building for a worth of Rs.77,000/- as per the resolution passed in the Kadambathur Panchayat Union and he is also the councillor in ward No.II of the same Panchayat Union. The contention of the respondent is that the petitioner demolished the other building instead of the building allotted to him.

6. Considering the facts and circumstances of the case and also the fact that the petitioner is being the Union Councillor, if he released on bail he will not abscond, this Court is inclined to grant bail to the petitioner with conditions.

[a] 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 shall execute two sureties each like sum for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Judicial Magistrate II, Thiruvallur, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[d] the petitioner shall report before the respondent police on every Tuesday at 10.30 a.m. until further orders;



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

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[f] the petitioner shall not abscond 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]; and;

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

-sd/-
24/01/2022

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, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE SUB INSPECTOR OF POLICE,
KADAMBATHUR POLICE STATION,
THIRUVALLUR DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S N.KUMANAN Advocate on payment of necessary charges
SR.NO.1086

CRL OP.1429/2022

Date :24/01/2022

JPA 24/01/2022