



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.9773 of 2022

R.Kumaresan

.. Petitioner

Vs.

State, represented by
The Sub-Inspector of Police,
Magudanchavadi Police Station,
Salem District.
(Crime No.114 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 connection with the Crime No.114 of 2022, on the file of the Sub-Inspector of Police, Magudanchavadi Police Station, Salem District.

For Petitioner : Mr.N.Vijaya Basker

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner herein, who was arrested on 08.04.2022 for the offences punishable under Section 353 of IPC and Section 3(1) of TN Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.114 of 2022, on the file of the respondent police, seeks bail.

2. The petitioner herein was arrested on 08.04.2022 on the allegation that he and two others prevented the staffs of the municipality from restoring the broken water pipeline.

3. The learned counsel for the petitioner would submit that the petitioner belongs to opposition party and they questioned indifference of the municipal authorities allowing illegal tapping of the drinking water by the influential persons. Aggrieved by that, a false complaint has been given against the petitioner and others.



4. Considering the fact that the water pipe line was damaged, not allowed to be restored by this petitioner and two others causing inconvenience to the general public from getting drinking water and the fact that it is suspected that this petitioner and others have damaged the water pipeline earlier, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the credit of Crime No.114 of 2022, within a period of seven days from the date on which the order copy made ready without any prejudice to his right to prove his innocence;

(b) the petitioner shall execute 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.2, Sankari Salem District;

(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 report before the Investigating Officer as and when required for interrogation;

(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 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];

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

-sd/-

27/04/2022

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.



1 THE JUDICIAL MAGISTRATE,
NO.2, SANKARI, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
MAGUDANCHAVADI POLICE STATION,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S, LAW VISION Advocate on payment of necessary charges
SR.No.6328

CRL OP.9773/2022

Date :27/04/2022

CSK 28/04/2022