



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.14092 of 2022

1.P.Rajesh
2.S.Balaji

..Petitioners

Vs.

State represented by
The Inspector of Police,
Madhavaram Police Station,
Madhavaram.
Crime No.464 of 2022.

..Respondent

PRAYER:-

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in the above said crime No.464 of 2022 pending investigation on the file of the respondent police.

For Petitioners : Mr.R.Ganesh Kumar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 30.05.2022 for the offence under Sections **294 (b), 336, 285, 435 of I.P.C. and 3 (1) of TN Public Property (Prevention of Damage and Loss) Act, 1992** in crime No.464 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that there was a wordy quarrel arose between the petitioners and the defacto complainant. Due to which, the petitioners had came near the house of the defacto complainant and set ablaze to the defacto complainant's bike along with two other bikes standing in the defacto complainant's house which belong to his wife and his brother. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they had been falsely implicated in the present case. On instructions, he would further submit that each of the petitioners are ready to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.464 of 2022. Therefore, he prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners had set ablaze to the defacto complainant's bike along with two other bikes standing in the defacto complainant's house which belong to his wife and his brother and also abused the defacto complainant with filthy language. Hence, he opposed for grant of bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and the period of incarceration undergone by the petitioners from the date of their arrest namely on 30.05.2022, this Court is inclined to grant bail to the petitioners.

6.Accordingly, each of the petitioners are directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.464 of 2022**, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- each (Rupees ten thousand only)each with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Madhavaram, Chennai** and on further conditions that :-

[a] the petitioners and 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] each of the petitioners shall deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.464 of 2022**, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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



[f] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

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

-sd/-
17/06/2022

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,
MADHAVARAM, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADHAVARAM POLICE STATION,
MADHAVARAM, CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+1 CC to M/S.R.GANESH KUMAR Advocate on payment of necessary charges SR.NO.9443

CRL OP.14092/2022

Date :17/06/2022

TA-17/06/2022