



Crl.OP.No.16201 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2022

CORAM

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

Crl.O.P.No.16201 of 2022

1.S.R.K.Appu
2.P.Janarthanan

...Petitioners

Vs.

State, Rep. by
The Inspector of Police,
Katpadi Police Station,
Vellore District 632 001.
Crime No.250 of 2022

...Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C.

praying to enlarge the petitioners on bail in Crime No.250 of 2022 dated
01.07.2022 pending on the file of the Respondent Police Station.

For Petitioners : Mr.V.Rahavachari
for Mr.Nathan and Associates

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 01.07.2022 for the offence under Sections 143, 447, 294(b), 288, 336, 353 of IPC and Section 3 of the TNPPDL Act, in Crime No.250 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 01.07.2022, the petitioners along with other accused unlawfully assembled at Katpadi Railway Bridge which was closed for repairing and rennovation works from 01.06.2022 to 30.06.2022 and allegedly removed the Barry-guards and opened the bridge on their own without obtaining permission from the concerned authority. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. That apart, the petitioners were arrested and remanded to judicial custody on 01.07.2022. Hence, he prays for grant of bail to the petitioners.



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4.The learned Additional Public Prosecutor submitted that investigation not yet completed and further submits that the petitioner had caused damages to the Barry-guards and railway bridge to the tune of Rs.20,000/-. Hence, he vehemently opposed for granting bail to the petitioner.

5. Considering the facts and circumstances of the case and it is seen that the petitioner opened the bridge for general public use, this Court is inclined to grant bail to the petitioners **with a condition that the petitioners shall file an affidavit before the respondent police that they will not indulge in any illegality any further.**

6. Accordingly, petitioners are ordered to be released on bail on his executing seperate bond for a sum of Rs.10,000/- (**Rupees ten thousand only**) with **two blood related sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Katpadi, Vellore District** and on further conditions 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 Aadhar card or Bank pass Book to ensure their identity.



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[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 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].

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

13.07.2022

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To

1. Judicial Magistrate,
Katpadi, Vellore District.
2. The Inspector of Police,
Katpadi Police Station,
Vellore District 632 001.
3. The Central Prison,
Vellore
4. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

Sma

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