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Crl.OP.No.21112 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

CORAM

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

Crl.OP.No.21112 of 2022

Prabu

..Petitioner

Vs.

The State rep by
The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.237 of 2022 on the file of the Inspector of police, Chinnasalem Police
Station, Kallakurichi District.

For Petitioner : Mr.D.Arun

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 17.07.2022 for the offence under Sections **147, 148, 294(b)**,



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323, 324, 332, 353, 436, 506(2) of I.P.C. and Sections 3, 4 & 5 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in crime No.237 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the 17.07.2022, when the respondent police were on their protection duty at Shakthi International school, Kaniyamur, Kallakurichi District, the petitioner and other accused persons are alleged to have trespassed into the school campus and damaged the police vehicles, school name board, gate and cameras. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 17.07.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that petitioner is arrayed as A1. As far as the



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petitioner is concerned, he attacked the Inspector of Police on his right leg and the injured has been discharged from the hospital on the same day. He further submitted that the petitioner along with other accused persons caused damages to the worth of about Rs.15,00,000/-. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. Accordingly, petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.237 of 2022, and on such deposit, the petitioner is ordered to be released on bail on his executing a 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 **Judicial Magistrate Court No II. Kallakurichi 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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[b] the petitioner shall report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m. for a period of six weeks and thereafter as and when required for interrogation.

[c] petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.237 of 2022, before the concerned Magistrate, at time of execution of bond.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness 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]**.

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

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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate Court No.II, Kallakurichi District.
- 2.The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.
- 3.Central Prison, Cuddalore District.
- 4.The Public Prosecutor,
High Court of Madras

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