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Crl.O.P.No.26596 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.26596 of 2022

Karmugilan

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Attur Town police Station,
Salem District.
(Crime No.346/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.346 of 2022 on the file
of the respondent police.

For Petitioner : Mr.S.Satheesh Kumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.09.2022 for the offences punishable under Sections 341, 294(b) of IPC and Section 3(1) of TNPPDL Act, 1992 (TN Property (Prevention of Damage and Loss) Act, 1992) in Crime No.346 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused had driven the two wheeler in a rash and negligent manner. When the same was questioned by the defacto complainant, who is the TNSTC bus driver, the petitioner along with the other accused had assaulted the defacto complainant and caused damage to the windshield of the bus worth about Rs.19,000/-. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has nothing to do with the alleged offence. In fact, the driver of the bus had waylaid the petitioner and assaulted him with hands. However, without prejudice, the petitioner is ready to deposit a sum of Rs.10,000/- to the credit of Crime No.346 of 2022.



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Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner along with the other accused had waylaid the bus and assaulted the defacto complainant and caused damage to the windshield worth about Rs.19,000/-. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including First Information Report.

6. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that the petitioner has come forward to deposit a sum of Rs.10,000/- to the credit of Crime No.346 of 2022, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner shall deposit a sum of **Rs.5,000/-**



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(Rupees Five Thousand only) to the credit of **Crime No.346 of 2022**, on such deposit, the petitioner is ordered to be released on bail on his executing 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-I, Attur** 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;

[b] the petitioner shall report before the **respondent daily at 10.30 a.m., until further orders;**

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner 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 petitioner in accordance



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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]**;

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

02.11.2022

shk

To

1. The learned Judicial Magistrate I, Attur
- 2.The Inspector of Police,
Attur Town police Station,
Salem District.
3. The District Prison,
Attur
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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