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CrI.O.P.No.29938 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.29938 of 2022

Venkatesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
C2, Race Course (Crime) Police Station,
Coimbatore city.

(Crime No.480/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.480
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Mariappan

For Respondent : Mr.S.Vinoth KUmara
Government Advocate (CrI.Side)



Crl.O.P.No.29938 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.10.2022 for the offences punishable under Sections 454 and 380 of IPC r/w Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act 1992 in Crime No.480 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Jeyaseelan who is the Office Assistant in Principal Subordinate Court, Coimbatore is that the petitioner trespassed into the Court premises and attempted to take away electronic gadgets and in this process, he had also damaged LG TV monitor which was fixed outside. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that without prejudice the petitioner is ready and willing to deposit a sum of Rs.18,000/- to the credit of the Crime No.480 of 2022 towards the alleged damage caused to the TV Monitor. Hence, he



Crl.O.P.No.29938 of 2022

prays for grant of bail to the petitioner.

4.The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner trespassed into the Court premises and attempted to commit theft of electronic gadgets and in this process, he had also damaged LG TV monitor which was fixed outside. He would further submit that there is no previous case pending against him. Hence, he vehemently opposed for grant of bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the entire materials available on record.

6.Taking into consideration the facts and circumstances of the case and also of the fact that without prejudice the petitioner is ready and willing to deposit a sum of Rs.18,000/- to the credit of the Crime No.480 of 2022, this Court is inclined to grant anticipatory bail with certain conditions.

7.Accordingly, the petitioner is directed to **deposit a sum of Rs.18,000/- (Rupees Eighteen Thousand Only) to the credit of Crime**



CrI.O.P.No.29938 of 2022

No.480 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 sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.III, Coimbatore**, 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 deposit a sum of Rs.18,000/- (Rupees Eighteen Thousand only) to the credit of Crime No.480 of 2022, before the concerned Magistrate, at the time of furnishing sureties and the learned trial Judge shall disburse the amount to the defacto complainant, who shall utilize the said amount for repairing damaged Monitor

(c) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. for a period of three months and thereafter, appear before the trial Court on all hearing dates;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during



Crl.O.P.No.29938 of 2022

WEB COPY

investigation or trial;

(f)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]***; and;

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

07.12.2022

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To

- 1.The Judicial Magistrate No.III,
Coimbatore.
- 2.The Inspector of Police,
C2, Race Course (Crime) Police Station,
Coimbatore city.
- 3.The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.29938 of 2022

T.V.THAMILSELVI,J.

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Crl.O.P.No.29938 of 2022

07.12.2022