



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.02.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3356 of 2022

1. Gopikannan @ Gopikrishna

2. Aravind

... Petitioners/ Accused 1 & 2

Vs

The State represented by
The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi (Dist).
(Crime No.122 of 2022)

... Respondent/ Complainant

For Petitioners : Mr.V.Selvakumar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :-For Bail in Crime No.122 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who were arrested and remanded to judicial custody on 06.02.2022 for the offences punishable under Sections 341, 294(b), 353 and 506(1) IPC and Section 3(2) of Prevention of Damage to Public Property Act, 1984, in Crime No.122 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that while the defacto complainant was driving the TNSTC bus, the petitioners along with other accused waylaid the bus and abused the defacto complainant with filthy language and prevented him from discharging his duty and also damaged three glasses of the bus by throwing stones towards bus. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.



4.The learned Additional Public Prosecutor would submit that no one was injured in the incident.

5.Considering the facts that no one was injured in the incident, that except the offences under Sections 506(1) IPC and 3 (2) of Prevention of Damage to Public Property Act, 1984, all other offences are bailable in nature and that the petitioners are not having any bad antecedents, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.1, Thoothukudi.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

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

[d]the petitioners shall not abscond 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 / petitioners thereafter absconds, a fresh
<https://hcservices.ecourts.gov.in/hcservices/>



FIR can be registered under Section 229-A IPC.

sd/-
17/02/2022

/ TRUE COPY /

WEB COPY

17/02/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT
- 3 THE INSPECTOR OF POLICE
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, KOVILPATTI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
SECRETARIAT BRANCH, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.3356 of 2022
Date :17/02/2022

CSM
MK/PN/SAR.III/17.02.2022/3P/7C