



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/04/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6903 of 2022

Kamesh

... Petitioner/Accused No.4

Vs

State represented by,
The Inspector of Police,
Srirangam Police Station,
Trichy.
(Crime No.336 of 2022).

... Respondent/Complainant

For Petitioner : Mr.G.Balumahendran,
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.336 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.4, who was arrested and remanded to judicial custody on 31.03.2022 for the offences punishable under Sections 147, 148, 294(b) and 506(2) IPC r/w Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.336 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused armed with iron rod and wooden log caused damaged to a two wheeler and an auto to the tune of Rs.25,000/- and when the same was questioned by the defacto complainant, they abused him in filthy language and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the accused 2, 3 and 5 were already arrested and released on bail in Crl.M.P.No.1551 of 2022 by the Principal Sessions Court, Tiruchirappalli, vide order dated 08.04.2022.



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

5.Considering the above facts and circumstances and also the facts that no one was injured in the incident, that except the offences under Sections 506(2) IPC and 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, all other offences are bailable in nature, that the petitioner is not having any bad antecedents and that the accused 2, 3 and 5 were released on bail, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner shall deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** 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 his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Srirangam, Trichy.

7.On production of such receipt/acknowledgment 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, Srirangam, Trichy.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;

(v)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]***.

(vi)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

19/04/2022

/ TRUE COPY /

19/04/2022

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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE,
SRIRANGAM, TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
SRIRANGAM POLICE STATION,
TRICHY.
4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

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

ORDER

IN

CRL OP(MD) No.6903 of 2022

Date :19/04/2022

csm

USK/VR/SAR-III/19.04.2022/3P/7C