



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/11/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.19455 of 2022

1. Ahamed Salim

2. Sirajudeen

... Petitioners/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Sethubavachathram Police Station,
Thanjavur District.
Crime No.471/2022.

... Respondent/Complainant

For Petitioner : M/s.Balasubramanian N,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.471/2022 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 24.09.2022 for the offences punishable under Sections 336, 120(B) of IPC r/w 3(1) of Prevention of Damage to Public Property Act, in crime No.471 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant is working as PRC bus driver. On 22.09.2022, at 12.45 p.m, when he was driving the bus bearing Reg.No.TN-68-N-0221, the petitioner along with other accused persons waylaid the bus and threw the stones upon the bus. Due to which, the front glass of the bus has been damaged. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 24.09.2022 and the injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.Side) would submit that totally 7 accused are involved in this case. The petitioners were arrayed as A6 & A7. A2 and A5 were detained under 'Goondas' Act. A1 & A3 are absconding. In the above said occurrence, one of the passenger got injured and discharged from the hospital. 2 witnesses have been examined. But, however, each petitioner is having 5 previous cases. The damage caused to the in front glass of the bus is R.9,000/-. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the period of incarceration and also considering the facts that 2 witnesses have been examined and the injured was discharged from the hospital, this Court is inclined to grant bail to the petitioners on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Peravurani.

(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 petitioners shall report before the **Pattukottai Town Police Station, Pattukottai District, on all working days daily at 10.30 a.m.**, until further orders;

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

iv)the petitioners 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 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].

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

sd/-

03/11/2022

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03/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
PERAVURANI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE
DISTRICT PRISON, PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE,
SETHUBAVACHATHRAM POLICE STATION,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION,
PATTUKOTTAI.

+1. CC to M/S.BALASUBRAMANIAN N Advocate SR.No.12384

ORDER

IN

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Date :03/11/2022

DSS
SA/SBN/SAR. /03.11.2022/3P/8C