



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.19475 of 2022

1. Ahamed Salim
2. Sirajudeen

... Petitioners/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Sethubavachathram Police Station,
Thanjavur District
(Crime No.470 of 2022).

... Respondent/Complainant

For petitioners : 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.470 of 2022 on the file of the Respondent Police

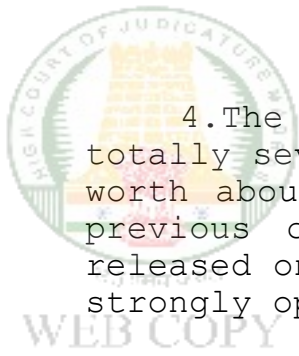
ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 24.09.2022 for the offences punishable under Sections 336, 120(B) IPC r/w. 3(1) of Prevention of Damage to Public Property Act, in crime No.470 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 22.09.2022, the petitioners, who are riders of the two wheeler, have pelted stone upon the bus belonging to the Transport Corporation, which was driven by the defacto complainant. 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 and their names have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 24.09.2022 and hence, he

<https://www.mhcy.tn.gov.in/judis>



4.The learned Government Advocate (Crl. Side) would submit at totally seven accused involved in this case and the damage caused is worth about Rs.9,000/- and the petitioners herein are having seven previous cases. He would further submit that co-accused already released on bail and the investigation of the case is pending and he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused has already been released on bail and also considering the period of incarceration, 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 appear before the respondent police 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

04/11/2022

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04/11/2022

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, PUDUKOTTAI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKOTTAI.



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

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

+1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-12452[I] dated
04/11/2022)

ORDER

IN

CRL OP(MD) No.19475 of 2022

Date :04/11/2022

TRP

RS/SBN/SAR.(04.11.2022) 3P-7C