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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2022

PRESENT

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

CRL OP(MD). No.19833 of 2022

1. Ahamed Salim
2. Thirajudeen ... Petitioners/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
(Crime No.585 of 2022). ... Respondent/Complainant

For Petitioners : M/s.Balasubramanian N, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-
For Bail in Crime No.585 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 341, 332 of IPC r/w 3(1) of Prevention of Damage and Loss to Public Propery Act, in crime No.585 of 2022 on the file of the respondent police, seeks 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-55-0879, 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 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 the

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petitioners were already granted bail by this Court in C)) No.19475 of 2022 in connection with Crime No.470 of 2022 and in Crl.OP(MD)No.19455 of 2022 in Crime No.471 of 2022. Further, the petitioners are in judicial custody from 24.09.2022 and hence, he prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners were already granted bail by this Court in connection with another crime numbers. However, each petitioner is having 4 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 facts and circumstances of the case 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, Pattukottai;

(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/-
10/11/2022

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10/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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Note : In view of the present lock down owing to COVID-19 p , 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.

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TO

1 THE JUDICIAL MAGISTRATE, PATTUKOTTAI.

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

3 THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKOTTAI.

4 THE INSPECTOR OF POLICE, PATTUKOTTAI TALUK 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-12816[I] dated 10/11/2022)

ORDER
IN
CRL OP(MD) No.19833 of 2022
Date :10/11/2022

DSS
RS/TR/SAR.(10.11.2022) 3P-7C

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