



Crl.O.P.No.2090 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.01.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.2090 of 2023

1. Sarguanam,
S/o. Babu

2. Sakthivel,
S/o. Ravi

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Uthiramerur Police Station,
Kancheepuram Dt.
(Crime No.10 of 2023)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.10 of 2023 on the file of respondent police.

For Petitioners : Mr.A.Saranraj

For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 09.01.2023 for the alleged offence under Sections 341, 294(b), 323, 353, 506(ii) of I.P.C. r/w Sec.4 of TNPPDL Act in Crime No.10 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 09.01.2023, while the defacto complainant/Head Constable of Uththiramerur Police Station was in his rounds, he received information that the petitioners said to have damaged the Katiyampandal police check post, chairs and also the CCTV camera kept in the check post. Hence, he lodged the complaint.

3. The learned counsel for the petitioners submitted that that they have not at all committed any offence as alleged by the respondent police and they are no way connected with the offence. He would submit that they have been falsely implicated in this case for statistical purpose. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 21 days from 09.01.2023. Hence, he prayed to grant bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 2 accused involved in this case. He would submit that in a drunken mood, the petitioners have damaged police checkpost, chairs and also CCTV camera kept in the checkpost, which is worth about Rs.10,000/-. He would also submit that if they are released on bail, they will tamper the witnesses and hamper the investigation and now injured discharged from the hospital. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are **directed to deposit totally a sum of Rs.15,000/- (Rupees fifteen thousand only) to the credit of Crime No.10 of 2023 before the concerned Magistrate from the date**



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on which the order is made ready and the defacto complainant is permitted to withdraw the deposit amount and repair the checkpost, and on such deposit, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Uthiramerur, and on further conditions that:**

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police on alternative days at 10.30 a.m. for period of eight weeks;

(c) the petitioners shall not commit any offences of similar nature;

(d) the petitioners shall not abscond either during investigation or trial;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take



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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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

31.01.2023

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To

1. The District Munsif cum Judicial Magistrate,
Uthiramerur.
2. Inspector of Police,
Uthiramerur Police Station,
Kancheepuram Dt.
3. The Superintendent of Prison,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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