



Crl.O.P.No.5926 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.5926 of 2023

K.Karthick

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sirumugai Police Station,
Coimbatore District.

(Crime No.6 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.6 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



Crl.O.P.No.5926 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.01.2023, for the offences punishable under Section 436 of IPC r/w Section 4 of Tamil Nadu Public Property (Prevention of Damages & Loss) Act, in Crime No.6 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 02.01.2023, the accused, in order to show his protest against the Tasmac shop for charging high rate, threw the petrol bottles into the shop and by setting fire to them, caused damages to the worth of Rs.1,51,490/-. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that since the Tasmac employees have demanded more money, there was a quarrel between the employees and the petitioner, due to which, a false complaint has been registered as against the petitioner. He further submitted that the petitioner is in custody from 03.01.2023 and he is ready to abide by any stringent conditions that may be imposed by this



Crl.O.P.No.5926 of 2023

Court, therefore, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner by throwing the petrol bottle into the Tasmac Shop and by setting fire to them, had caused damage to the tune of Rs.1,51,490/-. He further submitted that two previous cases are pending as against the petitioner. Hence, he oppose for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by either side of the parties and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on



Crl.O.P.No.5926 of 2023

his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)**

with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Mettupalayam**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m. and 6.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] 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]*;

[f] If the accused thereafter abscond, a fresh FIR



WEB COPY



Crl.O.P.No.5926 of 2023

can be registered under Section 229A IPC.

15.03.2023

ham

To

1. The Judicial Magistrate,
Mettupalayam.
2. The Inspector of Police,
Sirumugai Police Station,
Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.5926 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.5926 of 2023

15.03.2023