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Crl.O.P.No.7253 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

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

Crl.O.P.No.7253 of 2023

Veeramani

... Petitioner

Vs.

State rep by
Inspector of Police
Neyveli Township Police Station
Cuddalore District
(Crime No.27 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.27 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Mr.R.Suryaprakash

For Respondent : Mr. C.E.Pratap

Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 07.02.2023, for the offences punishable under Sections 147 of IPC read
with 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act,
1992, in Crime No.27 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant



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namely Manikandn is that on 17.01.2023 at about 10.15 p.m., while he was in his house, the petitioner along other accused had involved in wordy quarrel with one Kannan and his son Dinesh during which, the accused persons damaged the vehicle of the defacto complainant viz., TATA 407 Couch Van bearing Regn. No.TN 30T 9426 and the damaged value is assessed as Rs.1,70,000/-. Hence, this 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 since the petitioner has got some previous cases against him. He would further submit that the petitioner's name is not found in the FIR and the allegations have been made only as against one Anandraj and others. He would further submit that the petitioner has been suffering incarceration for more than 52 days from 07.02.2023. Hence, he would pray to grant bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of bail to the petitioner stating that **the** petitioner along with the main accused namely Anandraj and 19 other



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accused, caused extensive damages to the vehicle of the defacto complainant and the damaged value is assessed as Rs.1,70,000/-. He would further submit that apart from this case, the petitioner has got 13 previous cases and he is a history sheeteer in H.S.No.201 of 2020.

5. At this juncture, the learned counsel for the petitioner would submit that without prejudice, the petitioner is ready and willing to deposit a sum of Rs.25,000/- to the credit of crime number and he is also ready to abide by any stringent condition that may be imposed by this Court and would pray for grant of bail to the petitioner.

6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record.

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



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8. Accordingly, the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of Crime No.27 of 2023**, without prejudice to his rights and contentions before the concerned Court, on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties out of which, one surety shall be the blood relative of the petitioner**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Neyveli**, 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 9.00 a.m. and 7.00 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,



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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 can be registered under Section 229A IPC.

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To

1. The District Munsif cum Judicial Magistrate
Neyveli
2. Inspector of Police
Neyveli Township Police Station
Cuddalore District
3. Central Jail, Cuddalore
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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