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Crl.O.P.No.8791 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

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

Crl.O.P.No.8791 of 2023

Jayaprakash

... Petitioner

Vs.

State rep by
The Inspector of Police
Sirkazhi Police Station
Mayiladuthurai District
Complaint (Crime No.175 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail concerned in Crime No.175 of 2023
on the file of the Inspector of Police, Sirkazhi Police Station, Mayiladuthurai
District.

For Petitioner : Mr.M.Vinoth

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 29.03.2023, for the offences punishable under Sections 341, 294(b), 353,
506(ii) of IPC read with Section 3(1) of TNPPDL Act, in Crime No.175 of
2023, on the file of the respondent police, seeks bail.



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

Ramesh is that he is a Government Bus Driver. On 28.03.2023 at about 8.20 p.m., when the defacto complainant was driving the bus towards Mannankoil, the petitioner along with 3 others, waylaid the bus and caused damages to the windshield of the bus and also abused the defacto complainant in filthy language. 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 the petitioner is ready to abide by any stringent conditions as may be imposed by this Court and that the petitioner has been in judicial custody 29.03.2023. Hence, he would pray to grant bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner along with 3 other accused, waylaid the Government bus which was driven by the defacto complainant and caused damages to the windshield of the bus and also abused the defacto complainant in filthy language. The value of damages is assessed as Rs.7,000/-.



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

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to **deposit** a sum of **Rs.2,000/- (Rupees Two Thousand Only)** to the credit of **Crime No.175 of 2023** and on such deposit the petitioner is 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**, each for a like sum to the satisfaction of the **Judicial Magistrate Court, Sirkazhi**, 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 every day at 10.30 a.m. for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[c] the final order in respect of the said



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deposit shall be passed by the trial Judge at the time of conclusion of trial.

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

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

[f] 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]*;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate Court,
Sirkazhi.
2. The Inspector of Police
Sirkazhi Police Station
Mayiladuthurai District
3. The Jailer, Sub Jail, Sirkazhi.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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