



WEB COPY



Crl.OP.No.10294 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.10294 of 2023

1.Vanitharaj

2.Chelladurai @ Selvadurai

..Petitioners

Vs.

The State Represented by
Inspector of Police,
Thirukannapuram Police Station,
Nagapattinam District.
(Crime No.39 of 2023)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.39 of 2023 pending on the
file of the respondent.

For Petitioners	: Mr.P.Muthamizh Selvakumar
For Respondent	: Mr.A.Damodaran
	Additional Public Prosecutor

ORDER

The petitioners, who was arrested and remanded to judicial custody
on 08.04.2023 for the offence punishable under Sections 294(b), 448, 506(ii) of
IPC read with Section 3 of Prevention of Damage to Public Property Act in
Crime No.39 of 2023 on the file of the respondent police, seeks bail.



CrI.OP.No.10294 of 2023

2. The case of the prosecution is that, petitioners along with other accused accused trespassed into the defacto complainant's hotel and caused damages to the hotel and also threatened him with dire consequences. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case and they are no way connected with the offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that, petitioners along with other accused accused trespassed into the defacto complainant's hotel and caused damages to the hotel and also threatened with dire consequences. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances of the case, and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.



Crl.OP.No.10294 of 2023

6. Accordingly, **the petitioners shall pay a sum of Rs.25,000/- (Rupees**

Twenty Five Thousand only) jointly, directly to the defacto complainant.

On such production of acknowledgement for the same, the petitioners is ordered to be released on bail on their 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 learned Judicial Magistrate No.II, Nagapattinam 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 petitioners shall report before the respondent Police daily at 10.30 a.m., and 05.00 p.m, for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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



CrI.OP.No.10294 of 2023

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]**.

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

05.05.2023

Sma

To

1. Judicial Magistrate No.II,
Nagapattinam.
2. Inspector of Police,
Thirukannapuram Police Station,
Nagapattinam District.
3. District Prison,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.OP.No.10294 of 2023

G.K.ILANTHIRAIYAN, J.

Sma

Crl.O.P.No.10294 of 2023

05.05.2023