



WEB COPY



Crl.O.P.No.10850 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.10850 of 2023

Murali @ Muralidharan

... Petitioner/Accused

Vs.

State Rep by
The Inspector of Police,
P-6 Kodungaiyur Police Station,
Chennai.
(Crime No.79 of 2023)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in P-6 in
Crime No.79 of 2023 on the file of the respondent police.

For Petitioner : Mr.P.Sathish Kumar
For Respondent : Mr. E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 03.04.2023, for the offences punishable under Sections 447, 424, 426,
379 of IPC and section 25 of Indian Telegraphic Act in Crime No.79 of 2023
on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the defacto complainant has lodged a complaint stating that the company, in which the petitioner was working as General Manager, had dismantled the mobile tower belonging to the defacto complainant and caused huge damage. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the alleged occurrence is said to have been taken place in the year 2020 and the petitioner is only working as a General Manager in the said Company. He submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 03.04.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would vehemently opposed to grant bail to the petitioner stating that the petitioner was working as a General Manager, who had dismantled the mobile tower belonging to the defacto complainant and caused huge damage.



5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

6. Considering the fact that the the petitioner is working as a General Manager in the Company; that the alleged occurrence took place in the year 2020 and the period of incarceration of the petitioner, this Court is inclined to grant of bail to the petitioner on the following conditions;

[a] 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**, each for a like sum to the satisfaction of the **learned X Metropolitan Magistrate, Egmore, Chennai.**

[b] 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;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[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.

10.05.2023

lpp/mpa

To

1. The X Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police,
P-6 Kodungaiyur Police Station,
Chennai
3. The Central Prison for Men, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN,J.,

lpp/mpa

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