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Crl.O.P.No.15812 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.15812 of 2023

Ashok Kumar

...Petitioner

Vs.

The State represented by
The Inspector of Police,
Vaduvoor Police Station,
Thiruvarur District.
Crime No.250 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in connection with Crime No.250 of 2023 on the file of the respondent.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.06.2023 for the offences punishable under Sections 294(b) and 332 IPC r/w 3(1) TNPPDL Act in Crime No.250 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.250 of 2023 for the offences under Sections 294(b) and 332 IPC r/w 3(1) TNPPDL Act. He further submitted that, petitioner is innocent and he is falsely implicated in this case. Petitioner is in judicial custody from 21.06.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) opposes this petition, on the ground that, on 17.06.2023 at about 9.50 p.m., when defacto complainant was driving a bus bearing No.TN 68 N 0562 from Mannarkudi to Thanjavur, accused picked up a fight with the driver and when conductor intervened, he was beaten by the accused.



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Accused had also broken the window glass in the bus valued at Rs.1,500/-. The injured had been discharged from the hospital. Therefore, he prays for dismissal of this bail petition.

4. Considering the fact that, injured had been discharged from the hospital and petitioner is in judicial custody from 21.06.2023 and that the substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner and the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Mannargudi** 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 without prejudice to his defence shall deposit a sum of **Rs.1,500/-(Rupees One Thousand Five Hundred only)**, to the credit of the **Crime No.250 of 2023** before the learned **Judicial**



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Magistrate No.I, Mannargudi. On such deposit, learned Magistrate is directed to use the amount under Section 357 of Cr.P.C for awarding victim compensation; Payment of this amount will not amount to admission of guilt of the petitioner.

[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].



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

18.07.2023

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To

1.The Judicial Magistrate No.I, Mannargudi.

2.The Sub-Jail,
Mannargudi.

3.The Inspector of Police,
Vaduvoor Police Station,
Thiruvarur District.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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