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Crl.O.P.No.17760 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

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

Crl.O.P.No.17760 of 2023

& Crl.M.P.No.12295 of 2023

S.Devarajan

...Petitioner

Vs.

State rep. by
Inspector of Police,
C-4, Sathuvachari Police Station,
Vellore
Crime No.164/2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.164/2023 on the file of Inspector of Police, C-4, Sathuvachari Police Station.

For Petitioner : Mr.D.Rajagopal

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



WEB COPY



CrI.O.P.No.17760 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.07.2023 for the offences punishable under Sections 147, 148, 553 of IPC and Section 3(1) of Prevention of Damage to Public Property Act in Crime No.164 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, in a property dispute, exaggerated and false case has been given against the petitioner. The allegations made in the FIR is that the petitioner had trespassed into the house of the *de-facto* complainant and damaged the properties. As per the FIR, the damage value is given as Rs.10,000/-. Petitioner is prepared to deposit this amount before the Court below. Thus, he prays for grant of bail.

3. Learned counsel appearing for the *de-facto* complainant/intervenor submitted that the damages caused to the properties is more than Rs.3,00,000/-.

4. Learned Additional Public Prosecutor submitted that, in a



CrI.O.P.No.17760 of 2023

property dispute, the accused had damaged the properties belonging to the *de-facto* complainant and the investigation in this case is still pending.

5. Considered the rival submissions and perused the records of the case.

6. The FIR allegations shows that one Kalaivanan was tenant under the *de-facto* complainant. Since he did not vacate the property, *de-facto* complainant had approached the Court, upto Supreme Court and got an order of eviction. *De-facto* complainant took possession of the property. When that be the case, the accused in this case, who has no connection with the property, on 30.06.2023 had criminally trespassed into the house of the *de-facto* complainant and damaged the properties. Now, the learned counsel for the petitioner voluntarily offers to deposit Rs.10,000/- in Crime No.164 of 2023 before the Court below. There is no material produced by the learned counsel for the *de-facto* complainant that the value of the damage is more than Rs.3,00,000/-.

7. Considering this submission and also the fact that the petitioner is in judicial custody from 04.07.2023, this Court is inclined to



CrI.O.P.No.17760 of 2023

grant bail to the petitioner with conditions 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 V, Vellore**, 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.10,000/-** (Rupees Ten Thousand Only), to the credit of the **Crime No.164 of 2023** before the **Judicial Magistrate V, Vellore**. On such deposit, learned Magistrate is directed to use the amount for awarding victim compensation under **Section 357 of Cr.P.C**; Payment of this amount will not amount to admission of guilt of the petitioner.

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



CrI.O.P.No.17760 of 2023

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

8. Connected Miscellaneous petition is closed.

10.08.2023

mpl

To

- 1.The Judicial Magistrate V, Vellore.
- 2.The Central Prison,
Thorapadi, Vellore.
- 3.The Inspector of Police,
C-4, Sathuvachari Police Station,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.O.P.No.17760 of 2023

G.CHANDRASEKHARAN, J.

mpl

Crl.O.P.No.17760 of 2023
& Crl.M.P.No.12295 of 2023

10.08.2023