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Crl.O.P.No.18370 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

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

Crl.O.P.No. 18370 of 2023

Kumar

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Mechari Police Station,
Salem District.
Crime No.414 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.414 of 2023 on the file of the respondent police.

For Petitioner : Mr. C. Harish

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.07.2023 for the offences punishable under Section 3 (1) of TNPPDL Act in Crime No.414 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent and he has been falsely implicated in this case. Petitioner is in judicial custody from 28.07.2023. Thus, he seeks bail.

3. In reply, the learned Additional Public Prosecutor submitted that, on 28.07.2023 at about 02.00.p.m., when the defacto complainant was driving a bus bearing Reg.No.TN 30 N 0933 near four road junction at Mechery Bus Stand, accused in this case had thrown stones on the front view mirror of the bus and caused damage to it. The value of the damage is Rs.6,000/-. He further submitted that, there is no previous case pending against the petitioner.



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4. Considering the nature of the offence alleged to have been committed by the petitioner and the fact that petitioner is in Judicial Custody from 28.07.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, 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.II, Mettur** 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.6,000/-** (Rupees Six Thousand only), to the credit of the **Crime No.414 of 2023** before the learned **Judicial Magistrate No.II, Mettur**. On such deposit, learned Magistrate is



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directed to use the amount under Section 357 of Cr.P.C for rewarding 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.

11.08.2023

sma

To

1. Judicial Magistrate No. II,
Mettur

2. Central Prison,
Salem

3. The Inspector of Police,
Mechari Police Station,
Salem District.

4. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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