



Crl.OP.No.20897 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.OP.No.20897 of 2023

Rajendran
S/o.Kondappan

...Petitioner/Accused

Vs.

State represented by its
Inspector of Police,
Velagoundampatty Police Station,
Namakkal
(Crime No.100 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail relating to Crime No.100 of 2023 on the file of the respondent police.

For Petitioner : Mr.R.Vivekananthan
For Respondent : Mr.R. Kishore Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.08.2023, for the offences punishable under Sections 294(b), 324, 427, 435 altered to 294(b), 324, 435 IPC and Section 3(1) of the



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Prevention of Damage to Public Property Act, 1984 in Crime No.100 of 2023, on the file of the respondent police, seeks bail.

2.The defacto complainant was working as a Manager in Cheran Oil Mill, Pullagoundampatty. Petitioner is his customer and they both know each other for about five years. There were also monetary transactions between them.

3.The learned counsel for the petitioner stated that in the accounts, there had been a wrong entry made by the accountant one Priya, and this led to a quarrel and it is alleged that she was abused by the petitioner herein in filthy language. She conveyed the same to the defacto complainant and once again the quarrel escalated.

4.It is stated by the learned Government Advocate (Crl.Side) that the petitioner had set fire to the motor bike of the defacto complainant bearing registration No.TN28 BD 8720 and also to some paddy straw. It is also stated that there are no previous cases as against the petitioner herein and the entire issue had arisen from a petty quarrel.



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5.The learned counsel for the petitioner stated that the net value of the motor bike is about Rs.82,000/- (Rupees eighty two thousand only) and there is no insurance, which had been expired on February, 2023.

6.It is also negligent on the part of the defacto complainant for not having renewed the insurance. It is stated that the defacto complainant could not go to the work for a period of three months and he was earning a sum of Rs.35,000/- (Rupees thirty five thousand only) as salary and the petitioner is responsible for his employment and payment of salary to the defacto complainant.

7.The petitioner herein cannot also be mulcted with that particular responsibility to pay salary to the defacto complainant. To a little extent, the loss of the vehicle can be compensated and the petitioner is directed to pay a sum of Rs.40,000/- (Rupees forty thousand only) to the credit of the Crime No.100 of 2023, within a period of two weeks from the date of receipt of a copy of this order. If such deposit is made, the same may be handed over by the learned Judicial Magistrate to the defacto



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complainant. It is made clear that if any further claims are made by the defacto complainant, then he will have to lay the claims in the manner known to law. It is also made clear that the deposit of the amount by the petitioner does not mean that he admits his guilt. The respondent police are directed to establish their case during the process of trial.

8.Considering the facts, this Court is inclined to grant bail to the petitioner and the petitioner is ordered to be released on bail on he 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.I, Namakkal** 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 is directed to pay a sum of Rs.40,000/- (Rupees forty thousand only) to the credit of the Crime No.100 of 2023, within a period of two weeks from the date of receipt of a copy of this order.



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

[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.

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C.V.KARTHIKEYAN. J.

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To

- 1.The Judicial Magistrate No.I,
Namakkal.
- 2.The Central Prison,
Salem.
- 3.The Public Prosecutor,
High Court of Madras.
- 4.The Inspector of Police,
Velagoundampatty Police Station,
Namakkal
(Crime No.100 of 2023)

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