



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8527 of 2023

Rajendran

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
Cr.No.61/2023.

... Respondent/Complainant

For Petitioner : M/s Venkatesh.D,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

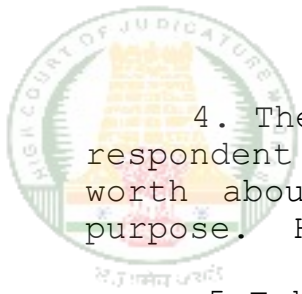
For Bail in Crime No. 61/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /sole accused, who was arrested and remanded to judicial custody on 01.04.2023 for the offences punishable under Sections 294(b), 427 and 506(ii) IPC @ Section 3(2) of TNPPDL Act on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner damaged the pipe lines put up by the Government for irrigation purpose and threatened the defacto complainant with dire consequences.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case.



4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner damaged the pipe line worth about Rs.2 lakhs erected by the Government for irrigation purpose. Hence, he opposed this petition.

5. Taking into consideration of the facts and submissions made by the learned counsels, this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Karaikudi, and on further conditions that:

[b] In view of the damage made by the petitioner, the petitioner shall deposit a sum of Rs.10,000/- (Rupees Twenty thousand only) to the credit of Crime No.61 of 2023 without prejudice to his defence before the trial Court and thereafter, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

[c] 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.

[d] the petitioner shall report before the respondent police as and when required for interrogation.

[e] the petitioner shall not commit any offences of similar nature.

[f] the petitioner shall not abscond either during investigation or trial.

[g] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[h] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

sd/-

17/05/2023

/ TRUE COPY /

19/05/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. The Judicial Magistrate, Karaikudi.
2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.
3. The Officer In-Charge, Sub Jail, Thirupathur.
4. The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.VENKATESH, Advocate (SR-7501[I] dated 18/05/2023)

ORDER IN
CRL OP(MD) No.8527 of 2023
Date : 17/05/2023

NA/VR/SAR- /19.05.2023/3P/7C