



Crl.O.P.No.1388 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

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

Crl.O.P.No.1388 of 2024

1.Venkatesan
S/o. Mahadevan

2.Aswin @ Jayaprakash
S/o. Chinnaraj

... Petitioners

Vs.

State represented by
The Inspector of Police,
Kurisilapet Police Station,
Thirupathur District.
(Crime No.2 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.2 of 2024 on the file of
the respondent.

For Petitioners : Mr. E. Kannadasan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 01.01.2024, registered for the offences under Sections 294(b), 323, 506(i) of IPC r/w Section 3 of Public Property (Prevention of Damages and Loss) Act in Crime No.2 of 2024 on the file of the respondent Police, seek bail.

2. It is the case of the prosecution that on 31.12.2023 when the defacto complainant had parked his two wheeler in front of his house, the accused persons kicked the two wheeler and there was a quarrel between the accused and the defacto complainant. As a result, the accused persons damaged the windshield of the car and also the milk measuring machine of the defacto complainant. The total value of the damaged property is about 15,000/-. It is also stated that anticipatory bail had been granted to the co-accused.

3. Taking all these factors into consideration and the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners, however, directing each one of the petitioners to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of crime No.2 of 2024 before the learned Judicial Magistrate No.II, Thirupathur and on such



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deposit, the amount may be handed over by the learned Judicial Magistrate No.II, Thirupathur, to the defacto complainant.

4.Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Thirupathur** 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.**

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

C.V.KARTHIKEYAN, J.

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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

24.01.2024

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To

- 1.The Judicial Magistrate No.II, Thirupathur.
- 2.The Inspector of Police,
Kurisilapet Police Station,
Thirupathur District.
- 3.The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.

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