



Crl.O.P.No.6769 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

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

Crl.O.P.No.6769 of 2024

1.D.Rajendran
2.N.Subash

..Petitioners

Vs.

State represented by
The Inspector of Police,
M-2, M M Colony Police Station,
Madhavaram, Chennai 51.
(Crime No.97 of 2024).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.97 of 2024 pending on the file of the respondent Police.

For Petitioners : Mr.J.B.Solomon Peter Kamal Doss
For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl. Side)

ORDER



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The petitioners, who were arrested and remanded to judicial custody on 04.03.2024 for the offences registered by the respondent Police under Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act in Crime No.97 of 2024, seek bail.

2.It is stated that the petitioners had assisted A1, who instantly has filed Crl.O.P.No.6371 of 2024 seeking anticipatory bail, to demolish a bus stand which is situated at Chennai Greater Corporation Ward-19, Zone-2, Chinna Mathur Road by using a JCB bearing registration No.TN 18 BE 6105. It is stated that the said bus stop was inference to the house put up by A1.

3.A1 has filed an affidavit that he prepared to deposit the amount towards the cost of construction of the bus stop or to rebuild the bus stop.

4.So far as these petitioners are concerned, it is contended by the learned counsel for the petitioners that they have been suffering incarceration from 04.03.2024.

5.Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on



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condition to execute a separate 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 Metropolitan Magistrate No.VII, George Town, Chennai 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the credit of Crime No.97 of 2024. The learned VII Metropolitan Magistrate, George Town, Chennai, may await further orders with respect to utilisation of the amount deposited when the orders are passed in Crl.O.P.No.6371 of 2024 which is the anticipatory bail application filed by A1.

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

[e] the petitioners 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



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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].

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

21.03.2024

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To

- 1.The VII Metropolitan Magistrate, George Town, Chennai.
2. The Central Prison II, Puzhal.
3. The Inspector of Police,
M-2, M M Colony Police Station,
Madhavaram, Chennai 51.
- 4.The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN. J.

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