



Crl.O.P.No.12184 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM

THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

Crl.O.P.No.12184 of 2024

Sathishkumar

...Petitioner / Accused (Single)

Vs.

State represented by
The Inspector of Police,
Thiruvallur Town Police Station,
Thiruvallur.
(Crime No.231 of 2024)

...Respondent/ Complainant

For petitioner	:	Mr.A.Vijayasankar
For Respondent	:	Mr.C.E.Pratap Government Advocate (Crl. Side) Assisted by Ms.M.Sumir Arnica

PRAYER: The Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail in Crime No.231 of 2024 on the file of the respondent police.



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ORDER

This Criminal Original Petition has been filed by the petitioner on 14.05.2024 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.

2.The petitioner/sole accused was arrested and remanded to judicial custody on 15.04.2024 for the alleged offences punishable under Sections 448, 294 (b), 323 and 506(i) of the Indian Penal Code, 1860 (Act No.45 of 1860) and Section 3 (1) of the Tamilnadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.231 of 2024, on the file of the respondent police.

3.The case of the prosecution is that the defacto complainant lodged a complaint against the petitioner for trespassing into the defacto complainant's company and damaged glass windows worth about Rs.20,000/- and also assaulted the workers on board and caused injuries to them; the petitioner also abused them in filthy language and threatened them. Hence, the case.

4.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody



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since 15.04.2024. Accordingly, he prayed to grant bail to the petitioner.

5.The learned Government Advocate (Criminal side) appearing for the respondent police submitted that the petitioner trespassed into the defacto complainant's company and abused the workers on board; and caused injuries to them; and damaged glass window worth about Rs.20,000/-. He further submitted that the petitioner has one previous case. He also submitted that the investigation is not yet completed and that at this stage of investigation, if bail is granted to the petitioner, he will cause threat to the defacto complainant and the witnesses. Accordingly, he prayed to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7.The petitioner has one previous case. He has permanent residence and deep roots in the society. Hence, there is no possibility for absconding. Considering the above reason, the period of incarceration for 39 days and with a view to give him one more opportunity to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a **bond for Rs.25,000/-** (Rupees



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Twenty Five Thousand only) along with two sureties each for a like sum of Rs.20,000/- (Rupees Twenty Thousand only) to the satisfaction of the **learned Judicial Magistrate I, Thiruvallur.**

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residence address and mobile number;

(iv) **The petitioner shall appear and sign before the respondent police, daily at 10.00 a.m. and 5.00 p.m., until further orders;**

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in ***P.K. Shaji vs. State of Kerala*** [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to



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the conditions stated supra.

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Index : Yes/No

Internet : Yes/No

Neutral citation : Yes/No

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Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**



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R.SAKTHIVEL. J.

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To

- 1.The Judicial Magistrate I, Thiruvallur.
2. The Central Prison, Puzhal, Chennai.
- 3.The Inspector of Police,
Thiruvallur Town Police Station,
Thiruvallur.
- 4.The Public Prosecutor, High Court of Madras.

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