



Crl.O.P.No.31772 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

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1.Kannan

2.Sadhasivam

3.Paramasivam

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Mecheri Police Station,
Mecheri-636 453,
Salem District.
(Crime No.579 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail, in connection with the Crime No.579 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.M.R.Jothimanian

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.579 of 2024 registered for



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the offences punishable under Sections 326(b) of BNS and Section 3(iii) of Tamil Nadu Public Property (Prevention of Damange & Loss) Act, 1992, is on board for consideration.

2. The incarceration of the petitioner being from 04.12.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seek indulgence of this Court. He also submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioners with the help of A4 dug/excavated the mud road, which leads from Sandhukadu to Pattan Street, Kattuvalavu and therefore, the petitioners damaged the said public road causing loss to the Government to the tune of Rs.30,000/- and also damaged pipes worth about Rs.1,500/-. He further submitted that A1 has got one previous case and A3 has got six previous cases, therefore, if the petitioners are released on bail, there is a possibility of them absconding and not available for further investigation.



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4. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent, and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions and accordingly, they are ordered to be released on bail on their executing separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Mettur, Salem District**, 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;



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate

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Anu

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 269 of B.N.S.

19.12.2024

Anu

To

1. The Judicial Magistrate No.II, Mettur,
Salem District.

2. The Inspector of Police,
Mecheri Police Station,
Mecheri-636 453,
Salem District.

3. The Superintendent,
Central Jail, Salem.

4. The Public Prosecutor,
High Court of Madras.

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