

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

CRL.O.P.No.7772 of 2020

M.Kalvipriyanneethiraja @ Kalvipriyan,  
S/o.Moorthi,  
South Ramanada Street,  
Thiruthuraipoondi,  
Thiruvarur District.

... Petitioner

Vs.

State rep. by  
Sub-Inspector of Police,  
Thiruthuraipoondi Police Station,  
Thiruvarur District.  
Crime No.1362 of 2020

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
praying, to enlarge the petitioner /accused on bail and release him from  
the custody in Crime No.1362 of 2020 pending on the file of the  
respondent police.

For Petitioner : Mr.P.Muthamizh Selvakumar  
For Respondent : Mr.S.Karthikeyan,  
Additional Public Prosecutor

**ORDER**

The petitioner, who was arrested and remanded to judicial  
custody on 10.05.2020 for the offences punishable under Sections 353,

and 307 IPC in Crime No.1362 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.05.2020, a proceedings was received from the Municipality Commissioner along with the complaint from the Deputy Superintendent of Police stating that one Vengadachalam, who is the Health Inspector of Thiruthuraipoondi Municipality, stating in the complaint that on 10.05.2020, while he was returning home after finishing his corona screening work, around 2.30 p.m., near Thiruthuraipoondi Government Hospital, one unknown person used bill hook against him with an intention to attack the defacto complainant. Fortunately, the Health Inspector escaped from the attack and later came to know that the petitioner is the person, who came to attack the defacto complainant. Further, there is enmity between the petitioner and the defacto complainant with regard to the defacto complainant directed the petitioner to shift the fish shop from the old bustard to fish market. Therefore, inorder to wreck vengeance, the petitioner attacked the defacto complainant/Health Inspector. Hence, this

present complaint came to be registered.

3. The contention of the petitioner is that the petitioner does not run any fish shop in the local area. The petitioner being a political person, he was continuously raising complaints to the Municipality authorities against the water service company running near the petitioner's residence, from which dust, oil waste and unclean water were released in the public road, which creates unhygienic situation and also the vehicles bought for service were parked in the public road creating public nuisance. However, no action was taken by the Municipal Authorities as well as by the Health Inspector. The petitioner has also sent legal notice on 05.09.2019 to all the Municipal Authorities including Health Inspector. After receiving the legal notice, the authorities had not taken any action and now the petitioner is taking steps to file PIL against the authorities for not taking action. He further submitted that even in the complaint the defacto complainant has mentioned that some unknown person has tried to attack him. But, the petitioner is a well known person in the locality. Hence, the present false case has been foisted against the

petitioner and prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor opposed bail application stating that the Health Inspector during the period of COVID 19, the Municipality Authorities were working round the clock for deduction of the spread of virus and only to derail the morale with an ulterior motive, the petitioner had attacked the defacto complainant. He further submitted that there are CCTV footage to prove that only this petitioner had attempted to attack the defacto complainant. He also submitted that the petitioner has got five previous cases against him and letting out the petitioner on bail would derail the morale of the Health Inspector and vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that in the complaint, it is mentioned that some unknown person has attacked the defacto complainant and also that there is no injury caused to the defacto complainant and also considering the period of incarceration i.e., from

10.05.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lock down and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 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.

6. With the above directions, this Criminal Original Petition is ordered.

Internet : Yes / No  
rm

11.06.2020

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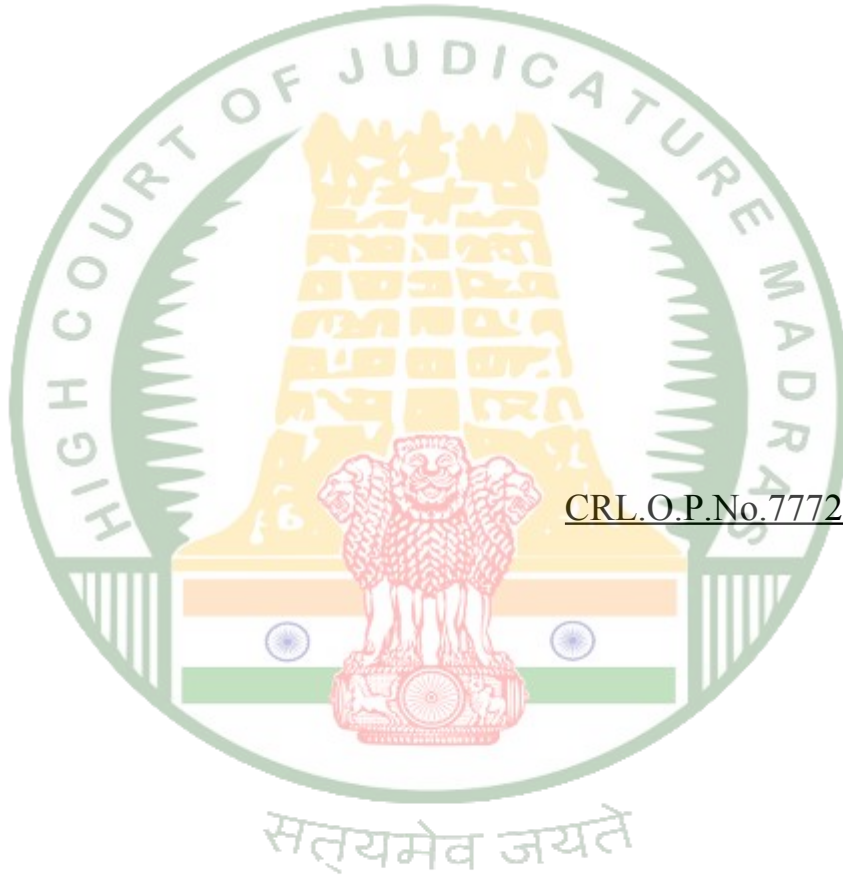
1. The District and Sessions Judge,  
Thiruvarur.
2. The Superintendent,  
District Prison, Nagapattinam.
3. The Inspector of Police,  
Thiruthuraipoondi Police Station,  
Thiruvarur District.
4. The Public Prosecutor,  
High Court, Madras.



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**M.NIRMAL KUMAR, J.**

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