



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

WEB COPY

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.25334 of 2021

Ganesamoorthi

.. Petitioner

Vs.

State represented by
Inspector of Police
Vikkiramangalam Police Station
Crime No.408 of 2021

.. Respondent

PRAYER: Criminal Original Petition has been filed under Sections 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.408 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.Soundhararajan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 11.12.2021 for the offences under Sections 147, 148, 341, 294(b), 323, 353, 506(ii), 307 IPC, in Crime No.408 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.11.2021 at about 2 a.m., when the Sub Inspector of Police along with his police party engaged in regular patrol duty, the accused were found illegally transporting 1 unit of river sand and when they attempted to seize the vehicle, the accused abused them in filthy language, prevented them from discharging their duties and also attacked them with Aruval. However, they managed to escape from the attack. Hence, the complaint.



3. The learned Counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that his name is not found in the F.I.R. and a false case has been foisted against the petitioner. He would further submit that the petitioner has been suffering incarceration for 10 days from 11.12.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating that there is one previous case against the petitioner but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a 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 Judicial Magistrate-I, Jayankondam, Ariyalur 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 petitioner shall report before the respondent police on every Tuesday and Sunday at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]*; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
23/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-I,
JAYANKONDAM, ARIYALUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VIKKIRAMANGALAM POLICE STATION,
ARIYALUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, JAYANKONDAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to MR.A.SOUNDHARARAJAN Advocate on payment of necessary charges SR.NO.15456

CRL OP.25334/2021

Date :23/12/2021

CSK 23/12/2021