



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Cr1.O.P.No.25922 of 2021

Kolanchinathan

... Petitioner

Versus

State rep by
The Inspector of Police,
Vikramangalam Police Station
Ariyalur District
Cr.No.408 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.408 of 2021 on the file of the respondent police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.S.Sugendran
Government Advocate (Cr1.Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 11.12.2021 for the offences punishable under Sections 147, 148, 341, 294(b), 323, 353, 506(2) and 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 attached to the respondent police along with his police party was conducting vehicle check up, found an Ashok Leyland Dost Mini Truck bearing Regn.No.TN 61 U 1621 got stuck in the clay sand with one unit of sand without any valid permit. Hence, the Sub Inspector of Police made an arrangement to transfer the sand in a Tractor and to seize the vehicle. At that time, five persons made an attempt to attack them with deadly weapons. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner was not even present at the place of occurrence and since, the defacto complainant is the Sub Inspector of Police, taking advantage of his position, he has foisted a false case against the petitioner. He would further submit that the co-accused has been granted bail by this Court in Crl.O.P.No.25334 of 2021 dated 23.12.2021 and that the petitioner has been suffering incarceration for more than 15 days from 11.12.2021. Hence, he would pray for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent raised strong objection stating that on the date of occurrence when the Sub Inspector of Police attempted to seize the vehicle which was used for transporting sand illegally, the petitioner along with other accused attacked him with Aruval and wooden log due to which, he sustained injuries and he was treated as out patient. Insofar as the petitioner is concerned, he attacked the defacto complainant with wooden log.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials placed on record.

6. Though the learned Government Advocate (Crl. Side) stated that due to the attack made by the petitioner and other accused, the Sub Inspector of Police/defacto complainant sustained injuries and was treated as out patient, he was not in a position to show any medical proof to substantiate the same. Hence, considering the above facts and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.1,00,000/- (Rupees One Lakh Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Jayamkondam, 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 Ariyalur Town Police Station daily at 10 a.m. and 5 p.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.

-sd/-

29/12/2021

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,
NO.1, JAYAMKONDAM, ARIYALUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIKRAMANGALAM POLICE STATION,
ARIYALUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

6 THE OFFICER INCHARGE
ARIYALUR TOWN POLICE STATION,
ARIYALUR DISTRICT.

+1 CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary charges SR.NO.15638

CRL OP.25922/2021

Date :29/12/2021

TA-29/12/2021