



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/08/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11465 of 2021

Allidurai Samiyar @ Balasubramanian ... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Ponmalai (Law and Order) Police Station,
Trichy District.
Crime No. 304 of 2021) ... Respondent/Complainant

For Petitioner : Mr.S.SARVAGAN PRABHU, Advocate.
For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 304 of 2021 on the file of the Respondent Police

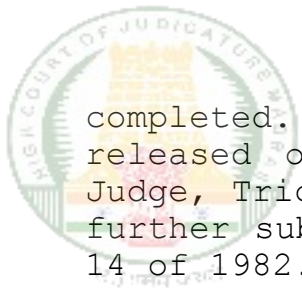
ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 22.07.2021, for the offences punishable under Sections 294(b), 341, 353, 195-A, 505(i) (b) and 506(ii) of IPC, in Crime No.304 of 2021 on the file of the respondent police, seeks bail.

2. The petitioner/A2, claiming to be a saint, had a conversation with one of his devotees, an Advocate/A3 that he is having several contacts and he can achieve several things through his contacts and by taking advantage of that conversation, A1 had intimidated the defacto complainant in this case/a witness in Cr.No.312 of 2021 that he should not depose anything against him.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he is no way involved in the alleged occurrence. Since the petitioner is in prison from 22.07.2021, he prayed for grant of bail.

4. The learned Government Advocate (Crl. Side) opposed for grant of bail on the ground that the investigation is yet to be



completed. He fairly submitted that A3, who was arrested, was released on bail by the learned Principal District and Sessions Judge, Trichirappalli, on 30.07.2021, in Crl.M.P.No.2700 of 2021. He further submitted that A1, who was arrested, was detained under Act 14 of 1982.

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5. Considering the facts and circumstances of this case, the period of incarceration of the petitioner/A2, the fact that he was arrested consequent to the alleged conversation, which has been recorded and played by A1 to the defacto complainant and also the fact that A3 was released on bail, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered. 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 No.V, Tiruchirappalli 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 daily twice, i.e. morning at 10.30 a.m. and evening at 5.30 p.m., until further orders. After the transfer of the investigation as ordered by this Court, the petitioner shall report before the Investigating Officer (the Assistant Commissioner of Police) daily twice as mentioned above until further orders.

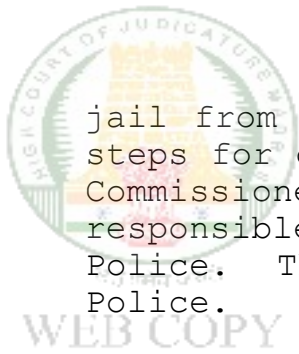
[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. The allegation levelled against this petitioner, i.e., interfering with the investigation and administration of justice, is serious in nature and it has to be probed in detail. The petitioner/A2 has been implicated through the alleged conversation in a mobile phone. The veracity of the conversation has to be ascertained scientifically and the persons, who are behind the petitioner, have also to be nabbed. If the conversation is found to be true, it has to be probed in detail. Though serious allegations are levelled against the petitioner and though he is in



jail from 22.07.2021, the respondent Police has not even taken any steps for custodial interrogation. Therefore, this Court directs the Commissioner of Police, Trichy, to entrust the investigation to a responsible Officer not below the rank of Assistant Commissioner of Police. The same has to be monitored by the Deputy Commissioner of Police.

sd/-
16/08/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE NO.V
TIRUCHIRAPPALLI.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4.THE INSPECTOR OF POLICE,
PONMALAI (LAW AND ORDER) POLICE STATION,
TRICHY DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE COMMISSIONER OF POLICE,
CITY POLICE OFFICE, PUDUKOTTAI MAIN ROAD,
SUBRAMANIPURAM, TRICHY.

THE DEPUTY COMMISSIONER OF POLICE,
TRICHY.

ORDER IN

CRL OP(MD) No.11465 of 2021
Date :16/08/2021

SA/VR/SAR.4/16.08.2021/3P/8C