



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

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

Cr1.O.P.No.1348 of 2022

K.RAJAINDRA

... Petitioner

Vs.

The State
Rep. by the Inspector of Police
Vazhappady Police Station
Vazhappady, Salem District
(Crime No.659 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.659 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.Selvaraju, Senior Counsel for
M/s.C.S.Associates

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

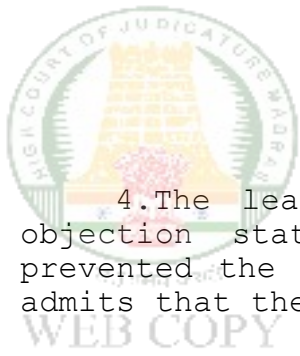
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 29.12.2021 for the offences under Sections 294(b), 353 and 506(2) of IPC in Crime No.659 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.12.2021, the petitioner restrained the H.R. & C.E. Officials from discharging their official duty. 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 he has been false implicated in this case and that the petitioner has been suffering incarceration for more than 20 days from 29.12.2021. Hence, he would pray for grant of bail to the petitioners.



4. The learned Additional Public Prosecutor would raise strong objection stating that the petitioner along with other accused prevented the H.R. & C.E. officials from discharging their duty 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.

(a) Accordingly, the petitioner is directed to file an affidavit before the concerned Court that he would not cause any hindrance to the H.R. & C.E. Officials from discharging their official duty. On proof of filing of such affidavit, 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 and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned District Munsif-cum-Judicial Magistrate, Vazhappady, Salem, within 15 days from the date of commencement of the Court's normal functioning, 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 on every Wednesday at 10.30 a.m. until further orders and the petitioner should not cause any hindrance to the H.R. & C.E. Officials from doing their lawful act.

(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 Judicial 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.

-sd/-
21/01/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VAZHAPPADY, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
VAZHAPPADY POLICE STATION,
SALEM DISTRICT



4 THE OFFICER INCHARGE,
WOMEN SUB -JAIL, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.S.ASSOCIATES Advocate on payment of necessary
charges SR.NO.964

CRL OP.1348/2022

Date :21/01/2022

JPA 24/01/2022