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CrI.OP.No.19992 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.19992 of 2022

1.Purushothaman
2. Kumar
3.Kamalakannan

...Petitioners

Vs.

State Rep. by:
The Inspector of Police,
R.K.Pettai Police Station,
Thiruvallur District.
(Crime No.158 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime No. 158 of 2022 on
the file of the respondent police.

For Petitioners :Mr.M.Sathish Kumar

For Respondent :Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

The petitioners were arrested and remanded to judicial custody on 06.07.2022 for the offences punishable under Sections **147, 148, 294(b), 324, 353 & 506(ii) IPC and Section 4 of Women Harassment Act read with Section 4 of TNPPDL Act** in Crime No.158 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that, there was a communal clash between the petitioner's group and the defacto complainant's group, due to which, the petitioners cut down trees and set fire on the police vehicle and also cause damages to the public properties. Hence, the case.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that



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there are forty accused in this case and the petitioners are arrayed as A1 to A3. Due to the community clash between the petitioners and the defacto complainant, the petitioners along with other accused formed themselves to an unlawful assembly and thereby caused damages to the public properties and also damaged police vehicles. Hence, he vehemently opposed for granting bail to the petitioners.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners from the date of arrest i.e., 06.07.2022, this Court is inclined to grant bail to the petitioners.

5. Accordingly, the petitioners shall deposit **a sum of Rs.10,000/-(Rupees Ten Thousand only)each, to the credit of the Crime No.160 of 2022**, and on such deposit, the petitioners is ordered to be released on bail on their executing seperate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two blood related sureties**, each for a like sum to the satisfaction of the learned **District Munsif Cum Judicial Magistrate Pallipattu, Thiruvallur District** and



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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 petitioners without prejudice to his defence shall deposit a sum of Rs.10,000/-(Rupees Ten Thousand only) each, to the credit of the Crime No.160 of 2022.

[c] the petitioners shall report before the respondent police twice daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court



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himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

24.08.2022

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To

- 1.District Munsif Cum Judicial Magistrate,
Pallipattu, Thiruvallur District.
- 2.The Inspector of Police,
R.K.Pettai Police Station,
Thiruvallur District.
- 3.Thiruthani Sub-Jail,
Thiruvallur District.
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

Sma

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