



Crl.O.P.No.23843 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.Nos. 23843 of 2022

Ezhilarasan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.
(Crime No.236 of 2022

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in connection
with the Crime No.236 of 2022 on the file of the respondent Police.

For Petitioner : Mr.P.Rajesh

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.07.2022 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 332, 336, 353, 435, 436, 379, 506(ii), 109, 120(B), 450 of IPC r/w Sections 3, 4, 5 of TNPPDL Act, in Crime No.236 of 2022 and on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 17.07.2022, there was a protest in respect of the death of a girl in a school. During such time, the petitioner along with the other accused jointly held protest as against the respondent Police and they have caused damage to the respondent vehicles by setting fire to them and they have also attacked the respondent police officials and subsequently trespassed inside the school premises and caused damage to the articles belonging to the school by setting fire. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and since, he happens to be the



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native of the neighbouring village, the petitioner has been falsely implicated in this case and he has been arrested and remanded to judicial custody on 18.07.2022. He would further submit that the petitioner has been pursuing his Master of Commerce and due to this case, the future of the petitioner is now at peril.

4. He would also submit that some of the similarly placed accused in Crime No.236 of 2022 have been granted with bail by this Court in Crl.O.P.No.23029 of 2022 vide order dated 22.09.2022. Hence, he prays for grant of bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that during the protest, the petitioner along with the other accused assaulted the police officials and caused damage to the respondent's vehicles by setting fire to them and also entered into the school and set fire to the valuable articles inside the school. Hence, he vehemently opposed for grant of bail to the petitioner.



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6. At this juncture, the learned counsel for the petitioner would submit that even as per the prosecution, there is no specific allegation as against the petitioner, as if the petitioner had caused damage to the articles belonging to the school by setting fire. He would also submit that the petitioner is ready and willing to deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) to the credit of Crime No.236 of 2022 and hence, he prays for grant of bail to the petitioner.

7. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

8. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner that the petitioner is coming forward to deposit Rs.25,000/- to the credit of the Crime No.236 of 2022 and taking note of the fact that the co-accused in this case have been granted with bail by this Court and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



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9. Accordingly, the petitioner is ordered to be released on bail on condition to make deposit of **Rs.25,000/- (Rupees Twenty five thousand only) to the credit of Crime No.236 of 2022**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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.II, Kallakurichi**, 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 everyday at 10.30 a.m. and 5.30p.m., for a period of six weeks and thereafter, as and when required;**

[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;



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

11.10.2022

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To

1. The Judicial Magistrate No.II,
Kallakurichi.
2. The Inspector of Police,
Chinnasalem Police Station,
Salem District.
3. The Central Prison,
Tiruchirapalli.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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