



Crl.O.P.No.24101 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

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

Crl.O.P.No.24101 of 2022

Ezhilarasan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.
Crime No. 238 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.238 of 2022, on the file
of the respondent Police.

For Petitioner : Mr.P.Rajesh

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 18.07.2022, for the offences punishable under Sections 147, 148, 323,
324, 332, 336, 342, 353, 506(ii) & 307 of IPC read with 3 & 5 of



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T.N.P.P.D.L Act, in Crime No.238 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the 17.07.2022, the petitioners along with other accused persons jointly held protest as against the respondent police. At that time, they caused damages to the respondent vehicles and attacked the respondent police officers. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and since, he happens to be the native of the neighbouring village, he has been falsely implicated in this case. He would also submit that the petitioner was arrested and remanded to judicial custody on 18.07.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner and the other accused were continuously present in the 2 hours video footage involving in the offence. He would further submit that the accused persons attacked the Head



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Constable in his left leg causing injury and the injured has been discharged from the hospital on the same day. He would also submit that they also caused damages to the worth of Rs.1,00,000/- and set fire to the fire-service vehicle and police vehicles. Hence, he vehemently opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.238 of 2022, and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**



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only) with two sureties, each for a like sum to the satisfaction of the **learned**

Judicial Magistrate-2, 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 stay at Kalpakkam and report before the Inspector of Police, Kalpakkam Police Station twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.238 of 2022, before the concerned Magistrate, at time of execution of bond.

[d] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

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

[f] the petitioner shall not tamper with evidence



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or witness either during investigation or trial.

[g] 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]**.

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

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To

1. The Judicial Magistrate-2, Kallakurichi.
2. The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.
3. The Superintendent,
Central Prison,
Trichirapalli.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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