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Crl.O.P.No.23612 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM

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

Crl.O.P.No.23612 of 2022

1. Sathya @ Sathiyaraj

2. Sellappan

... Petitioners

Vs.

State represented by its,
The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
(Crime No.402 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail pending investigation in
Crime No.402 of 2022 on the file of the respondent police.

For petitioners : Mr.R.C.Paul Kanagaraj

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



Crl.O.P.No.23612 of 2022

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 17.09.2022, for the offence under Sections 153, 353 & 307 IPC, in Crime No.402 of 2022 on the file of respondent police, seek bail.

2. The case of the prosecution is that the petitioners, who are cadre of the political party, had stuck the posters of the Hon'ble Prime Minister on the wall of the shop belonging to one Dinesh Babu and when it was removed by the shop owner, the petitioners along with others questioned the said Dinesh Babu and assaulted him. Also, when it was enquired by the police officials, the petitioners have thrown the beer bottle on them and prevented the officials from doing their duty. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are the cadres of the BJP party and when they questioned the shop owner one Dinesh Babu for tearing



Crl.O.P.No.23612 of 2022

the posters of the Hon'ble Prime Minister, he has assaulted the first petitioner, in respect of which a case has been registered in Crime No.404 of 2022 against the said Dinesh and others and it is a case in counter. He would also submit that the case against the petitioners is a foisted case, registered only due to the political motive. He would further submit that the petitioners are in custody from 17.09.2022 and hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners have assaulted the shop owner for tearing the posters stuck by them and also thrown the beer bottles over the officials who questioned the accused and prevented the officials from performing their official duty. He would also submit that no body has been injured in this incident. He would further submit that there is a case in counter in Crime No.404 of 2022 and there is no previous case as against these petitioners. However, he oppose for grant of bail to the petitioners.



Crl.O.P.No.23612 of 2022

WEB COPY

5. Heard the learned counsel for the petitioners 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 and also considering the fact that there is no previous case as against these petitioners, this Court is inclined to grant bail to the petitioners on certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** each with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate-I, 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;



Crl.O.P.No.23612 of 2022

[b] the petitioners shall stay at Krishnagiri and report before the Inspector of police, Krishnagiri Town Police Station, everyday at 10.30.a.m., for a period of four weeks and thereafter, report before the respondent Police every Saturday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

28.09.2022

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Crl.O.P.No.23612 of 2022

WEB COPY

To

1. The Judicial Magistrate-I,
Kallakurichi.
2. The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
3. The Central Prison,
Cuddalore.
4. The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri.
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.23612 of 2022

A.D.JAGADISH CHANDIRA,J.

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Crl.O.P.No.23612 of 2022

28.09.2022