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Crl.O.P.No.26187 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM

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

Crl.O.P.No.26187 of 2022

Samsudeen

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Nallur Police Station,
Tiruppur City.
Crime No.570 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime No.
570 of 2022 on the file of the respondent police.

For Petitioner : Mr.K.Sudhakar

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 23.09.2022, for the offences punishable under Sections 153(A), 448, 427, 506(2) of IPC read with Section 3(1) of TNPPDL Act, in Crime No.570 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is state secretary of physical exercise section in R.S.S. On 23.09.2022, the petitioner along with other accused pelted stones on the house of the defacto complainant and thereby damaged the car bearing Reg.No. TN 39 CM 0421 and also damaged the window panes. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner belong to rival organizations and thereby the petitioner has been falsely implicated in this case on suspicion. He would further submit that the petitioner's name was not in the FIR and he has been implicated only based on the confession statement of the arrested accused. Hence, he seeks for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that, apart from this case, the petitioner has got two previous case, one registered in the year 2019 and the other one is registered in the year 2020 and one of the case has been acquitted. Hence, he opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submission made by the learned counsel, the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.IV, Tiruppur** and on further conditions that:



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[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 Ramanathapuram and report before the Inspector of Police, Ramanathapuram Town Police Station daily at 10.30.a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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 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]**;



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

28.10.2022

Sma

To

1. learned Judicial Magistrate No.IV,
Tiruppur.
- 2.The Inspector of Police,
Nallur Police Station,
Tiruppur City.
3. District Prison,
Tiruppur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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