



Crl.O.P.No.27066 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

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THE HON'BLE MR. JUSTICE **M.NIRMAL KUMAR**

Crl.O.P.No.27066 of 2022

Nijamudheen

... 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 04.10.2022, 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 on 23.09.2022 at about 1.40 pm., the accused came to the house of the de-facto complainant and enquired about PT Master, for which the de-facto complainant's wife replied that there was no such PT master, and finding that the de-facto complainant is working as a music teacher as well as the State Secretary of physical exercise section in R.S.S., the petitioner along with other accused pelted stones on the house of the de-facto complainant and also damaged the car and its window panes and threatened with dire consequences. Hence, the case.

3. The contention of the learned counsel for the petitioner is that the name of the petitioner does not find place in the First Information Report and he had not picked up a quarrel or caused damage by pelting stones on the articles belonging to the de-facto complainant. He further submitted that



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since the petitioner belongs to the different faith and member of the Social Democratic Party of India, he has been falsely implicated in this case and as far as the petitioner is concerned, there is no bad antecedence as against him. He also submitted that the co-accused in this case has been granted bail by this Court in Crl.O.P.No.26187 of 2022 dated 28.10.2022. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner hails from Coimbatore has no reason to come to the house of the de-facto complainant. He further submitted that since the de-facto complainant preaches differed ideologies, the accused have pelted stones on the house of the de-facto complainant. 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 perused the materials available on record.



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6. Considering the facts and circumstances of the case, the submission made by the learned counsel, the period of incarceration suffered by the petitioner and also considering the fact that the co-accused has been granted bail by this Court, 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:

[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;



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[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]**;

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

08.11.2022

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To

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



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M.NIRMAL KUMAR., J.

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