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Crl.O.P.Nos.28703, 28763 & 28766 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

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

Crl.O.P.Nos.28703, 28763 & 28766 of 2022

Mohan @ Jim Mohan

... Petitioner in all Crl.O.P.Nos.

Vs.

The State represented by,
The Inspector of Police,
Samalpatti Police Station.
Krishnagiri - 635 001.

(Crime Nos.153, 154 & 157/2022).

... Respondent in all Crl.O.P.Nos.

PRAYER in Crl.O.P.No.28703 of 2022: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail in connection with the Crime No.153 of 2022 pending investigation on the file of the respondent Police.

PRAYER in Crl.O.P.No.28763 of 2022: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail in connection with the Crime No.154 of 2022 pending investigation on the file of the respondent Police.



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PRAYER in Crl.O.P.No.28766 of 2022: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail in connection with the Crime No.157 of 2022 pending investigation on the file of the respondent Police.

In all Crl.O.P.Nos.,

For Petitioner : Ms.S.Deepika

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

COMMON ORDER

1.1 Criminal Original Petition in Crl.O.P.No.28703 of 2022 has been filed seeking to enlarge the petitioner on bail in Crime No.153 of 2022, registered for the offence under Sections 341, 294(b), 353, 332, 188, 506(ii) of IPC and Section 7(1)(a) of CLA Act, 1932, on the file of the respondent Police.

1.2 Criminal Original Petition in Crl.O.P.No.28763 of 2022 has been filed seeking to enlarge the petitioner on bail in Crime No.154 of 2022, registered for the offence under Sections 341, 294(b), 324, 506(ii) of IPC on the file of the respondent Police.



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1.3 Criminal Original Petition in Crl.O.P.No.28766 of 2022 has been filed seeking to enlarge the petitioner on bail in Crime No.157 of 2022, registered for the offence under Sections 294(b), 324, 341, 506(ii) of IPC and Section 4 of Women Harassment Act, 2002, on the file of the respondent Police.

2.1 The case of the prosecution as per the *de-facto* complainant Amarnath, Sub-Inspector of Police is that the accused has threatened the *de-facto* complainant and his Sub-Ordinate officers in an abusive language and prevented them from discharging their official duties. Hence the case.

2.2 The case of the prosecution as per the *de-facto* complainant Pugazhendhi is that during 2019, the accused have committed murder of his brother and threatened his sister-in-law who was the witness to the incident, due to which, she committed suicide and the case is pending trial and the accused had been delaying the trial. While so on 04.10.2022, when the *de-facto* complainant was returning from his work, the accused who was indulging in protest in road, had abused him in a filthy language and caused injury to him by pelting stoned on him. Hence the case.



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2.3 The case of the prosecution as per the *de-facto* complainant Valliyammal is that on 04.10.2022, the accused had abused her in a filthy language, grabbed her cell phone and also assaulted her son with wooden log and intimidated them with dire consequences by saying that she is the person from another village and she should not be there. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the district spokesperson of the VCK party and the petitioner used to involve in public activities and used to conduct demonstration against the atrocities of the police and thereby, the respondent had registered a several cases against him. She further submitted that in most of the cases, the petitioner has been acquitted by the Courts, whereas, a case in S.C.No.181 of 2019 is pending before the learned Additional District Judge, Krishnagiri for trial. She also stated that in order to keep the petitioner in continued detention, false cases have been lodged as against him through the respondent Sub-Inspector of Police, the prime witness in S.C.No.181 of 2019 and the neighbouring land owner. She further submitted that very reading of the First Information Report would show it is the foisted one only to



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prejudice the minds of the Court and to keep him in continued detention. She also stated that the petitioner undertakes that he will file an affidavit before the learned Additional District Judge, Krishnagiri that he will cooperate for speedy disposal of the trial in S.C.No.181 of 2019 and will cross examine the witnesses on the same day of their examination in chief.

4. Learned counsel reiterated that only to keep the petitioner in custody, false cases have been registered. She also stated that the respondent Police have also taken steps to detain the petitioner under Act 14, whereas, the proposal has been rejected by the District Collector. He also submitted that the petitioner is in custody from 05.10.2022, hence, he prayed to grant bail to the petitioner.

5. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is the notorious element and in the guise of being the spokesperson of the political party, the petitioner has repeatedly engaged in anti-social and criminal activities and 21 cases are pending as against him, out of which, a case in S.C.No.181 of 2019 is pending trial, wherein there are 21 accused and on the



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advice of the petitioner, other accused are absenting one after another, thereby, the case has prolonged. He further stated that this Court had also directed the trial Court to complete the trial in S.C.No.181 of 2019 pending on the file of the learned Additional District Judge, Krishnagiri within four months. Hence, he vehemently opposed to grant bail to the petitioner.

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

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by him, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Krishnagiri**, 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 report before the learned Additional District Judge, Krishnagiri, on all working days at 10.30 a.m., without fail, until further orders;

[c] the petitioner shall within one week of coming out of bail shall file an Affidavit of Undertaking to the effect that he will co-operate for speedy disposal of the trial in S.C.No.181 of 2019 and he will not indulge in any anti-social activities, while out of bail;

[d] the petitioner shall not abscond either during investigation or trial;

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

[f] 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



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Court himself as laid down by the Hon'ble Supreme Court
in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

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

28.11.2022

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To

1. The Judicial Magistrate - II,
Krishnagiri.
2. The Additional District Judge,
Krishnagiri.
3. The Inspector of Police,
Samalpatti Police Station.
Krishnagiri District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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