



Crl.O.P.No.29645 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

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

Crl.O.P.No.29645 of 2022

Subramanian

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.

(Crime No.560 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.560 of 2022 on the file of the respondent Police.

For Petitioner : Mr.K.M.Subramanian

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 28.10.2022, for the offences punishable under Sections 147, 148, 294(b), 353, 332 & 307, 506(ii) of IPC and 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act., in Crime No.560 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Selvam, who is working in the Irrigation Department is that based on the orders passed by the High Court of Madras, when the officials attempted to evict the encroachments in the Thalaikadu Kannanmedu lake area, the accused had waylaid them and by abusing them in a filthy language, prevented them from removing encroachments and assaulted the JCB drivers and other officials and they have also caused damaged to the windshield of the JCB and other vehicle. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in the case. He further submitted that the officials without following the due process of law attempted to evict the poor people from the Government lands and when it was questioned by the petitioner, a false case has been lodged against him. He also stated that A1 in this case has been detained under Act 14 and A2 in the case has been granted bail by this Court. He also submitted that no one was injured in this incident. He also stated that the petitioner is in custody from 28.10.2022 and hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submitted that when the Government officials pursuant to the order passed by this Court, attempted to evict the encroachments in the Government lands, the petitioner along with the other accused have abused them and prevented them from doing their official duty and they have also damaged the vehicles. He also stated that the damage caused by the accused



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is to the worth of Rs.32,000/-, hence, he oppose for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that without prejudice to his defense, the petitioner is ready and willing to deposit an amount of Rs.5,000/- to the credit of crime number and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of 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. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.



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8. Taking into consideration the facts and circumstances of the case, and the submissions made by the learned counsel and considering the period of incarceration undergone by the petitioner and also taking note of the fact that the petitioner without prejudice to his defence, he is ready to deposit a sum of Rs.5,000/- to the credit of crime number, this Court is inclined to grant bail to the petitioner.

9. Accordingly, the petitioner is ordered to be released on bail on condition that he makes a deposit of **Rs.5,000/- (Rupees five thousand only) to the credit of the Crime Number**, without prejudice to his rights and contentions before the Court concerned and on such deposit, 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, Thiruthuraipoondi**, 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;



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[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

[d] the petitioner 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate,
Thiruthuraipoondi.
2. The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
3. The Central Prison, Tiruchirapalli.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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