



Crl.O.P.No.30572 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.12.2022

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.30572 of 2022

Sivakumar,
S/o.Lakshmanan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi Dt.
(Crime No.237 of 2022)
Respondent

...

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.237 of 2022 pending on the file of respondent police.

For Petitioner : Mr.V.Gunasekar
For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 29.11.2022 for the alleged offence under Sections 147, 148, 294(b), 323, 324, 332, 353, 436, 506(ii) of I.P.C. r/w Sec.3,4,5 of TNPPDL Act in Crime No.237 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the petitioner along with other 120 accused have jointly made a protest against the respondent police, thereby they said to have caused damages to the respondent vehicle and school name board and gate. Hence, the complaint.

3. The learned counsel appearing for petitioner submitted that a girl, who was studying in Sakthi School at Kaniyamoor, died on 13.07.2022 and a case was registered under Sec.174 of Cr.P.C., but no action was taken and no section was altered and no one was arrested by the respondent police, for that reason, general public got emotion and made a public protest against the State Government and Sakthi International School on 17.07.2022. He would submit that he is no way



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connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and he has been falsely implicated in this case and he will abide by any condition imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 16 days from 29.11.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 120 accused involved in this case, in which the petitioner is arrayed as A18. He would submit that in view of a death of a school student studying in Sakthi International School, only the case was registered and subsequently, no development in the prosecution, due to which, the general public made a protest against the School authority and respondent police, in which he participated in the protest. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances, and the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is directed to **deposit a sum of Rs.30,000/- (Rupees thirty thousand only) into the credit of Crime No.237 of 2022** and on such deposit, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate-2, Kallakurichi**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police on every Saturday at 10.30 a.m. for the period of three months;

(c) the petitioner shall not commit any offences of similar nature;



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(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 Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

16.12.2022

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To

1. The Judicial Magistrate-2, Kallakurichi.
2. Inspector of Police,
Chinnasalem Police Station, Kallakurichi Dt.
3. The Superintendent of Prison,
Central Prison, Cuddalore,
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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