

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

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

Crl.O.P.No.905 of 2023

Ajith @ Ajithkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Periyapalayam Police Station,
Tiruvallur District.

Crime No.456 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with Crime No.456 of
2022 on the file of the respondent Police.

For Petitioner : Mr.S.Chandranathan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.12.2022, for the offences punishable under Sections 294(b), 353 of IPC r/w 7(1)(a) CLA Act, 2005, in Crime No.456 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused have gathered in public and abused the people and also caused interruption to the public peace. When it was questioned by the de-facto complainant, the accused abused him and prevented him from discharging his official duties. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that since he has got some previous cases, the respondent has lodged a false complaint against him. He also stated that the petitioner is in custody from 14.12.2022 and also stated that he is ready to comply with any stringent condition that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with the other accused caused disturbance to the public peace and also abused the public servant, who questioned them and also prevented him from discharging his official duties. He also stated that six previous cases are pending as against the petitioner, hence, he opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned**

District Munsif cum Judicial Magistrate, Uthukottai, Tiruvallur District,

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 appear before the respondent Police everyday 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]***; and;

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

12.01.2023

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To

1. The District Munsif cum Judicial Magistrate,
Uthukottai, Tiruvallur District
2. The Inspector of Police,
Periyapalayam Police Station,
Tiruvallur District.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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T.V.THAMILSELVI,J.

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