



Crl.O.P.No.1270 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2023

CORAM :

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

Crl.O.P.No.1270 of 2023

Murugan @ Deena,
S/o.Arunachalam

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Periyapalaiyam Police Station,
Thiruvallur Dt.
(Crime No.456 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.456 of 2022 pending on the file of respondent police.

For Petitioner : Mr.P.Chandrasekar

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



CrI.O.P.No.1270 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.12.2022 for the alleged offence under Sections 294(b), 353 of I.P.C. r/w Sec.7(1)(a) of CLA Act in Crime No.456 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 14.12.2022, the petitioner along with other accused gathered and abused public people, thereby caused interruption to the public peace. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that so far, there is no other allegation against him and there is no iota of truth in allegation against him. He would submit that he is no way connected with the offence. He would submit that he has not 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 that may be imposed by this court. He would further submit that the investigation is almost completed



Crl.O.P.No.1270 of 2023

WEB COPY

and that the petitioner has been suffering incarceration for more than 52 days from 14.12.2022. 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 3 accused involved in this case and the petitioner is arrayed as A1. He would submit that on the date of occurrence, the petitioner along with other accused threatened the police officials, who are on patrol duty, thereby they caused interruption to the public peace. He would submit that 10 previous cases are pending against him. 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.

5. Considering the above facts and circumstances, and also considering the fact that the investigation 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:



CrI.O.P.No.1270 of 2023

WEB COPY

6. Accordingly, 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, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Judicial Magistrate Court, Uttukottai**, 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 stay at Tirunelveli District and report before the Inspector of Police, Palayamkottai Police Station daily at 10.30 a.m. for period of two months and thereafter, he shall appear before the respondent police on every Wednesday at 10.30 a.m. for another period of two months;

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

(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;



CrI.O.P.No.1270 of 2023

WEB COPY

(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.

06.02.2023

rpp

To

1. The Judicial Magistrate,
Uttukottai.
2. Inspector of Police,
Periyapalayam Police Station,
Thiruvallur Dt.
3. The Superintendent of Prison,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY



CrI.O.P.No.1270 of 2023

T.V. THAMILSELVI, J.

rpp

CrI.O.P.No. 1270 of 2023

06.02.2023