



Crl.O.P.No.1397 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.01.2023

CORAM :

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

Crl.O.P.No.1397 of 2023

Soundhar @ Soundaraj,
S/o.Chandran

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
E-5 Sholavaram Police Station,
Thiruvallur Dt.
(Crime No.06 of 2023)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.06 of 2023 pending on the file of respondent police.

For Petitioner : Mr.K.Madhan

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



Crl.O.P.No.1397 of 2023

ORDER

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The petitioner, who was arrested and remanded to judicial custody on 02.01.2023 for the alleged offence under Sections 147, 148, 294(b), 153A, 504 of I.P.C. and Sec.3 of TNPPDL Act, in Crime No.06 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 02.01.2023, on receipt of information the damage to the statue of Dr.Ambedkar installed nearby Anganvadi Centre at Neduvarambakkam village, the respondent police went to the spot and conducted enquiry with villagers, wherein they acquainted that the petitioner along with 7 other accused celebrated new year party and consumed liquor nearby the statue, however, there was a wordy quarrel with regard to sharing of food, in which, there was a scuffle taken place, thereby, it resulted of pelting stones and beer bottles on the statue of statue and caused damaged it. Hence, the complaint was registered against the petitioner.



Crl.O.P.No.1397 of 2023

WEB COPY

3. The learned counsel appearing for petitioner submitted that in fact, the petitioner is one of persons, who made contribution to install statue of Dr.Ambedkar and he is also belonging to SC community. He would submit that on receipt of information that there was a riot taken place in front of statue between two groups, he along with village elected Panchayat members reached to the spot for pacifying the situation, but the respondent police instead of securing real persons, who caused damage to the statue, they have falsely implicated the petitioner along with others belong to the same community. Hence, the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and due to previous enmity, 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 and that the petitioner has been suffering incarceration for more than 20 days from 02.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for



CrI.O.P.No.1397 of 2023

WEB COPY

respondent would submit that totally, there are 8 accused and the petitioner is arrayed as A5. He would submit during new year celebration, the petitioner along with other accused consumed liquor nearby statue, however there was a scuffle between them, resulting in which, they pelted stones and beer bottles on the statue and caused damages to it. He would submit that all the accused are arrested and they are in judicial custody. 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 during the new year celebration, there was a wordy quarrel and scuffle between them, thereby they pelted stones and beer bottle on the statue of Dr.Ambedkar, due to which, damages caused to the statue, and now the statue was renovated and 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:



Crl.O.P.No.1397 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, for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Ponneri**, 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 Wednesday at 10.30 a.m. for the period of eight week;

(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;

(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



Crl.O.P.No.1397 of 2023

WEB COPY

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.

23.01.2023

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To

1. The Judicial Magistrate No.II,
Ponneri.
2. Inspector of Police,
E-5 Sholavaram Police Station,
Thiruvallur Dt.
3. The Superintendent of Prison,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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Crl.O.P.No.1397 of 2023

T.V. THAMILSELVI, J.

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Crl.O.P.No. 1397 of 2023

23.01.2023