



Crl.O.P.No.4326 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.02.2023

CORAM :

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

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1. Vinoth @ Vinothkumar,
S/o. Babu

2. Ponnurangam,
S/o. Chinnappa

3. Charles,
S/o. Pugalmani

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Arani Town Police Station,
Thiruvannamalai Dt.
(Crime No.84 of 2023)
Respondent

...

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.84 of 2023 on the file of respondent police.



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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 29.01.2023 for the alleged offence punishable under Sections 147, 148, 341, 353, 307, 506(ii) of I.P.C. in Crime No.84 of 2023, on the file of respondent police, seeks bail.

2. The case of the prosecution is that on 29.01.2023 around 08.30 a.m., when the respondent police attempted to arrest the accused persons in Crime No.83 of 2023, at that time, the petitioners along with other accused with an intention to cause death, unlawfully assembled with rioting armed with deadly weapon, abused him in filthy language, wrongfully restrained him, and also assaulted him to deter him from discharging his official duty, thereby damaged a wall and threatened him with dire consequences. Hence, the complaint was registered against the petitioners.



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3. The learned counsel appearing for petitioners would submit that they are the believers of VCK party, and hence, due to previous enmity, the petitioners were arrested and remanded to judicial custody. He would submit that there is no specific overtact against the petitioners and they are innocent persons and they are no way connected with the occurrence. He would submit that they have been falsely implicated in this case. He would submit that they are in custody for more than 33 days from 17.11.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that on the date of occurrence, when the respondent police was doing their official duty, the petitioners along with other accused with an intention to cause death, unlawfully assembled with rioting armed with deadly weapons and wrongfully restrained him and also prevented the police officials not to perform their duty, thereby Five F.I.R.s have been registered. He would submit that the investigation is almost completed. He would submit that if they are released on bail, they would hamper the investigation and tamper the witnesses. Hence, he opposed to grant bail to the petitioners.



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5. Considering the above facts and circumstances, and the fact that the investigation is almost completed and also onconsidering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are 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, Arani** 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 petitioners shall stay at Karur District and report before the Town Police Station, Karur daily at 10.30 a.m. for the period of three months and thereafter, they shall report before the respondent police on every Tuesday and Saturday at 10.30 a.m. for another period of three months.



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

(d) the petitioners shall not abscond either during investigation or trial;

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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To

1.The Judicial Magistrate, Arani.

2.The Inspector of Police, Arani Town Police Station,
Thiruvannamalai Dt.

3.The Superintendent, Central Prison, Vellore.

4.The Public Prosecutor, High Court of Madras, Chennai.



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