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CrI.O.P.No.5169 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.5169 of 2023

Aswin @ Vishnu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Arni Town Police Station,
Tiruvannamalai District.

(Crime No.16 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.16
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Rebecca

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.02.2023 for the alleged offences punishable under Sections 147, 148, 294(b), 341, 353, 506(i) of IPC, in Crime No.16 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused, who belong to the DPI Party surrounded the respondent and raised slogans against them, when they arrested one Bagalavan @ Baskaran and one Ramesh. The accused, by unlawfully assembling with weapons, abused the respondent Police and also caused damage to the barricades in front of the Court. The further allegation is that the accused have also threatened the respondent with dire consequences and prevented them from discharging their official duty. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he belongs to the DPI Party. He further submitted that the



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petitioner is no way connected with the alleged offence and he is in custody from 07.02.2023, hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner along with other accused, on account of political rivalry, unlawfully assembled in front of the Court and agitated against the respondent for the arrest of the accused in Crime No.11 & 12 of 2023 and also prevented the respondent Police from doing their official duty, by abusing and threatening them. He also submitted that the accused have also caused damage to the public property. He also submitted that the investigation is almost completed, however, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also



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considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on this 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 Judicial Magistrate, Arni, Tiruvannamalai**, 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 report before the Respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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



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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]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

06.03.2023

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To

1. The Judicial Magistrate,
Arni, Tiruvannamalai.
2. The Inspector of Police,
Arni Town Police Station,
Tiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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