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Crl.O.P.No.5167 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM

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

Crl.O.P.No.5167 of 2023

Aswin @ Vishnu

... Petitioner

Vs.

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

(Crime No.83 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.83
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, 153A(1)(a), 294(b), 341, 353, 505(1)(a), 506(i), 509 of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002, in Crime No.83 of 2023, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the accused have unlawfully assembled and created rioting in order to promote enmity between different groups and paralyzed the traffic. The further allegation is that the accused have prevented the respondent police from discharging their official duty and by abusing them in a filthy language, threatened them with dire consequences and also harassed the women police, who were on 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. She also submitted that due to the



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previous enmity with the political party, the respondent has registered a false case against the petitioner. She further submitted that similarly placed co-accused were granted bail by this Court in Crl.O.P.Nos.4343, 4348 & 4355 of 2023 vide orders dated 28.02.2023. She also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, she prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor submitted that the petitioner along with other accused had unlawfully assembled and by raising slogans against the respondent Police, paralyzed the traffic. He further submitted that the accused had prevented the respondent from discharging their official duty, by abusing them in a filthy language and also by threatening them with dire consequences. He further submitted that the accused have also harassed the women police, who were on duty. Hence, he 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.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also considering the fact that the co-accused have been granted bail by this Court, 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;



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[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]***;

[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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A.D.JAGADISH CHANDIRA.,J.

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