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Crl.O.P.No.7811 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

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

Crl.O.P.No.7811 of 2023

Kirthik Preetham @ Appu

... Petitioner

Vs.

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

(Crime No.145 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.145 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.Adithya Varadarajan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to Judicial custody on 27.03.2023, for the offence punishable under Sections 448, 427 & 506(ii) of IPC r/w Section 3(i) of TNPPDL Act, 1992, in connection with Crime No.145 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Elumalai, Assistant Security Officer, Arulmigu Arunachaleswarer temple, Tiruvannamalai, is that the accused had trespassed into the office of the Joint Commissioner/Executive Officer of the temple with weapon and threatened the officials. Further, the accused created a ruckus inside the office and damaged the properties belonging to the temple. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person, aged about 23 years and he is undergoing psychiatric treatment at Bengaluru for his bipolar disorder. He also submitted that the petitioner had gone to the temple along with his friends, during such time, he



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was troubled by some other persons and due to his psychiatric problem, he had retaliated in such a manner. He further submitted that the petitioner has strong roots in the society and he is ready to abide by any stringent conditions that may be imposed by this Court. He also submitted that the petitioner's mother is also ready to stand as surety to the petitioner. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the accused had trespassed into the office of the Joint Commissioner / Executive Officer of the Arulmigu Arunachaleswarer temple, Tiruvannamalai, with weapon and threatened the officials and also, created a ruckus inside the office and damaged the properties belonging to the temple. He also submitted that the investigation is still pending and one previous case is pending as against the petitioner, and he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire 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 on either side and taking note of the medical condition of the petitioner that he is suffering from anxiety depression and bipolar disorder, 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 his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** with **two sureties** (out of which, one of the sureties should be the mother of the petitioner), each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, 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., for a period of two weeks and thereafter, on every Saturday at



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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 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.

12.04.2023

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To

1. The Judicial Magistrate No.I, Tiruvannamalai.
2. The Inspector of Police,
Tiruvannamalai 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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