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Crl.O.P.No.17337 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.17337 of 2023

Shanmugam

...Petitioner

Vs.

State rep.by

The Inspector of Police,
Jedarpalayam Police Station,
Namakkal District.

(Crime No.26 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.26 of 2023, on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.07.2023 for the offences punishable under Sections 120(B), 147, 148, 149, 286, 337, 436, 506(ii) & 153 A(1)(b) of IPC in



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Crime No.26 of 2023 on the file of the respondent police, seeks bail.

2. It is the submission of the learned counsel for the petitioner that petitioner is falsely implicated in this case for the reason that, he created a Whatsapp group for helping the accused in this case, in facing the trial. He was not aware of the offence alleged in the FIR. The petitioner is in custody from 14.07.2023. Thus, he prays for grant of bail.

3. In response, the learned Additional Public Prosecutor submitted that, accused in this case had destroyed by setting fire to the tractors of the *de-facto* complainant by creating a Whatsapp group for inciting violence, resulting in registration of multiple cases. With regard to the allegations against this petitioner, he created a Whatsapp group and gathered financial assistance for the accused persons belong to his community, who are facing this case. Therefore, he prays for dismissal of this bail petition.

4. Considered the rival submissions and perused the records of the case.

5. The specific allegations that is made against the petitioner is



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that he created a Whatsapp group seeking monetary help from his community people for helping the accused in this case, who face trial. There is no allegation that he was the one who had indulged in the violence mentioned in the FIR.

6. In the said circumstances, this Court is inclined to grant bail to the petitioner and 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**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Paramathi**, 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 daily 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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G.CHANDRASEKHARAN, J.

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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 absconds, a fresh FIR can be registered under Section 229A IPC.

10.08.2023

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To

- 1.The Judicial Magistrate, Paramathi.
- 2.The Central Prison - Salem.
- 3.The Inspector of Police,
Jedarpalayam Police Station,
Namakkal District.
- 4.The Public Prosecutor,
High Court of Madras.

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