



Crl.O.P.No.19833 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.19833 of 2023

M.Vignesh

...Petitioner

Vs.

State represented by
The Inspector of Police,
Jedarpalyam Police Station,
Namakkal District.
Crime No.26 of 2023.

...Respondent

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

For Petitioner : Mr.F.Najimudeen

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



Crl.O.P.No.19833 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.07.2023 registered for the offences punishable under Sections 147, 148, 153, 286, 337, 436 and 506(ii) of IPC altered to 120(B), 149, 153 A (1)(b) of IPC in Crime No.26 of 2023 on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is falsely implicated in a case registered for the offences under Sections 147, 148, 153, 286, 337, 436 and 506(ii) of IPC altered to 120(B), 149, 153 A (1)(b) of IPC in Crime No.26 of 2023. Petitioner is in Judicial Custody from 14.07.2023. Thus, he seeks bail to the petitioner.

3. In response, Additional Public Prosecutor submitted that one Nithya died under suspicious circumstances. The accused in this case had formed the whatsapp group to take revenge for the death of the deceased Nithya and set fire to the *de-facto* complainant's tractors bearing Nos. TN 34 K 5043, TN 28 M 8258, TN 88 AZ 1940. The



Crl.O.P.No.19833 of 2023

reason is that, they believe that *de-facto* complainant gave employment to the persons who were responsible for the death of Nithya. The specific allegations against this petitioner is that, he is the one, who circulated the video of riot and was responsible for seven violent incidents and consequent registration of seven criminal cases. Investigation in this case is still pending. This is the second bail petition filed by the petitioner. He opposes grant of bail to the petitioner.

4. Considered the submissions and perused the records.

4.1. Earlier bail petition in Crl.O.P.No.17471 of 2023 was dismissed on 04.08.2023, on the ground that, investigation is not completed and also having regard to the allegations against the petitioner.

5. Considering the nature of the offence and that petitioner is in judicial custody from 14.07.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner. Accordingly, petitioner is ordered to be



Crl.O.P.No.19833 of 2023

released on bail on their 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**

Velur 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 morning at 10.00 a.m., and 5.00 p.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 absconds, a fresh FIR



WEB COPY



CrI.O.P.No.19833 of 2023

can be registered under Section 229A IPC.

29.08.2023

gd

To

1.The Judicial Magistrate Paramathi Velur.

2.The Inspector of Police,
Jedarpalyam Police Station,
Namakkal District.

3.The Central Prison,
Salem.

4.The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.O.P.No.19833 of 2023

G.CHANDRASEKHARAN. J.

gd

Crl.O.P.No.19833 of 2023

29.08.2023