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Crl.O.P.No.32528 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.01.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.32528 of 2022

1. Arul,
S/o. Periyasamy

2. Saravanan,
S/o. Periyasamy

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Chinnasalem Police Station,
Villupuram Dt.
(Crime No.236 of 2022)
Respondent

...

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.236 of 2022 on the file of respondent police.

For Petitioners : Mr.S.Saravana Kumar

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 20.12.2022 for the alleged offence punishable under Sections 109, 120(B), 147, 148, 450, 294(b), 323, 324, 506(ii), 353, 332, 336, 435, 436, 379 of I.P.C. r/w 3, 4, 5 of T.N.P.P.D.L. Act in Crime No.236 of 2022, on the file of respondent police, seek bail.

2. The case of prosecution is that with regard to the death of female student in a Kanniyamor Sakthi International School, the petitioners along with other 224 accused have jointly made a protest against the respondent police, thereby they have ransacked the properties inside the school premises, and also they said to have caused damages to the respondent vehicle and school name board and gate. Hence, the complaint.

3. The learned counsel appearing for petitioners submitted that a girl, who was studying in Sakthi School at Kaniyamoor, died on



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13.07.2022 and a case was registered under Sec.174 of Cr.P.C., but no action was taken and no section was altered and no one was arrested by the respondent police, for that reason, general public got emotion and made a public protest against the State Government and Sakthi International School on 17.07.2022. He would submit that they are no way connected with the offence. He would submit that they have not at all committed any of offence as alleged by the respondent police and they have been falsely implicated in this case and he will abide by any condition imposed by this court. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 13 days from 20.12.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 224 accused involved in this case, in which the petitioners are arrayed as A219 and A220. He would submit that in view of a death of a school student studying in Sakthi International School, only the case was registered and subsequently, no development in the prosecution, due to which, the



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general public made a protest against the School authority and respondent police, in which he participated in the protest, thereby the petitioners attacked higher police officials and thrown stone on them and also caused damages to the properties inside the school. He would submit that if they are released on bail, they would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances, and the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioners are directed to **deposit a sum of Rs.30,000/- (Rupees thirty thousand only) each into the credit of Crime No.236 of 2022 within a period of two weeks from the date of receipt of this order**, and on such deposit, the petitioners are ordered to be released on bail on condition to execute 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 No.II, Kallakurichi**, and on further conditions that:



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(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 on every Wednesday at 10.30 a.m. for the period of three months;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The Judicial Magistrate No.II,
Kallakurichi.
- 2.The Inspector of Police,
Chinnasalem Police Station,
Villupuram Dt.
- 3.The Superintendent of Prison,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai.



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T.V.THAMILSELVI, J.

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