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Crl.O.P.No.221 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

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THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.221 of 2024

Yoginathan S/o. Shanmugam

...Petitioner/Accused-1

Vs.

State represented by
The Inspector of Police,
Podhattur Pet Police Station,
Podhattur Pet,
Tiruvallur District.

(Crime No.738 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.738 of
2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



CrI.O.P.No.221 of 2024

WEB COPY

ORDER

The petitioner seeks bail in Crime No.738 of 2023, registered by the respondent for the offences under Sections 143, 427, 448, 153, 153(A) IPC r/w 3(i) of TNPPD Act, 1992. The petitioner had been remanded to custody on 30.11.2023.

2.The defacto complainant is the Headmaster of Government School at Athimanjeripet at Thiruvallur District. It is stated that on 30.11.2023, he had complained that some persons had broken open one of the classrooms and damaged the photographs of Dr.B.R.Ambedkar.

3.It is stated that A2 and A3 are juveniles and A1, the petitioner herein is studying 2nd year B.A English Literature at Government Arts College, Nandanam.

4.Counter affidavit had been filed wherein it had been stated that during the course of investigation, the respondent had recorded the statement of six witnesses. It had also been stated that investigation has proceeded to a substantial extent.



Crl.O.P.No.221 of 2024

WEB COPY

5.Taking all the factors into consideration, I am inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is 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 District Munsif cum Judicial Magistrate, Pallipattu, 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, as and when required for interrogation.

[c] the petitioner shall file an affidavit expressing regret for causing damage to the photograph of Dr.B.R.Ambedkar and undertaking that he would never ever commit such an act in the future.

[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.



CrI.O.P.No.221 of 2024

WEB COPY

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7.The learned District Munsif cum Judicial Magistrate, Pallipattu, may inform the Principal, Government Arts College, Nandanam, about registration of FIR in 738 of 2023 against the petitioner who is studying 2nd year B.A English Literature in Government Arts College, Nandanam, and the Principal, Government Arts College, Nandanam, may record this fact in the college register of the petitioner and mention this fact whenever certificates are issued.

29.01.2024

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C.V.KARTHIKEYAN. J.

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To

- 1.The District Munsif cum Judicial Magistrate, Pallipattu.
2. The Superintendent, Sub-jail, Tiruttani.
- 3.The Inspector of Police,
Podhattur Pet Police Station,
Podhattur Pet,
Tiruvallur District.
- 4.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.221 of 2024

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