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CRL O.P. No.25040 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2024

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THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.25040 of 2024

Senthilmurugan

... Petitioner / Accused

Vs

State rep. by
The Station House Officer,
The Inspector of Police,
Chinna Salem Police Station,
Kallakurichi.

(Crime No.236 of 2022)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.236 of 2022 on the file of the respondent police.

For Petitioner : Mr.R.Sankara Subbu

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)

For Intervenor : Mr.R.Nalliyappan



ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.09.2024, for the offences punishable under Sections 147, 148, 294(b), 323, 324, 332, 336, 353, 435, 436, 379 and 506(ii) of IPC and Sections 3, 4 and 5 of TNPPDL Act, in Crime No.236 of 2022, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner's nephew, aged about 16 years, studying 12th standard in Sakthi Matriculation Higher Secondary School, Kaniyamoor, Chinna Salem, Kallakurichi District stayed in the school hostel, died in the school premises on 13.07.2022, due to which, the petitioner, who is the uncle of the deceased, along with the other accused were indulged in protesting. During protest, school buses were vandalized and fired, properties of the school were ransacked and school suppliers were looted. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner does not have any involvement in the said offence at any point of time. He would further submit that the



CRL O.P. No.25040 of 2024

petitioner has been in custody for more than 21 days. He would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that during protest with regard to Kaniyamoor issue, the petitioner along with the other accused, trespassed into the school premises where the deceased was studying, vandalised school buses, ransacked school properties and looted school suppliers. He would further submit that the accused had caused damages to the tune of Rs.20 crores. He would also submit that there is no previous case against the petitioner. He would further submit that investigation is still pending. Hence, he vehemently opposed to grant bail to the petitioner.

5.Mr.R.Nalliyappam, learned counsel appearing for the School Authorities would strongly oppose to grant bail to the petitioner and he has also filed an intervening petition.



6. Heard both side learned counsel and perused the materials available on record.

7. Considering the representation made by both side learned counsels, considering the nature of offences and also the alleged occurrence is of the year 2022 and also taking into consideration the number of days of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] 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 **Judicial Magistrate – 2, Kallakurichi**, and on further conditions that;

[b] the Petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



CRL O.P. No.25040 of 2024

[e] the Petitioner shall not abscond 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

14.10.2024

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To

1.The Judicial Magistrate – 2, Kallakurichi.

2.Central Prison, Cuddalore.

2.The Station House Officer,
The Inspector of Police,
Chinna Salem Police Station,
Kallakurichi.

3.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J.

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CRL O.P. No.25040 of 2024

CRL.OP.No.25040 of 2024

14.10.2024