

CRL.O.P.No.13004 of 2016

S.VAIDYANATHAN,J.

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 141, 147 and 506(ii) IPC in Crime No. not known of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police and the learned counsel for the intervenor.

3. The case of the petitioners is that a false case has been foisted against them and they have not at all indulged in any illegal activities and they have been scrupulously abiding by the conditions imposed by this Court in a Division Bench Order in W.A.Nos.824 of 2015, 1651 of 2014 and 33662 of 2014, dated 01.12.2015, which reads as follows :

“1. Both the Management and staff (teaching and non-teaching) should strive towards achieving peaceful and harmonious solutions to their grievance as already ordered by the Director of School Education vide proceedings R.C.No.102761W4/E3/2012, dated 25.10.2012.

2. Both the management and the staff should abide by the provisions of the Tamil Nadu Recognised

Private Schools (Regulation) act, 1973 and Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974 and periodical instructions/circulars issued by the Department of School Education authorities.

3. The teachers should not involve in activities that are detrimental to the interest of the students and the Management should not in turn vengeful eye towards the teachers in view of the past activities.”

and in which the following Order has been passed.

“Consequently, we find no reason to take a view contrary to the one taken by the learned Single Judge. The Order of the learned Single Judge is unexceptionable, just and proper warranting no interference. We direct the Management as well as the Teaching and Non-Teaching Staff Association to adhere to the conditions prescribed by the Director of School Education in letter and spirit. In the event of infringement of any of the conditions by either party, the District Educational Officer as well as the Director of School Education, shall be at liberty to take appropriate action as per law.”

The further case of the petitioners is that they have not induced the students to involve in any kind of illegal activities and submitted that they have a moral responsibility to bring up the students.

4. The case of the prosecution is that the students have been instigated to commit various offences and to draw the attention of the Court, various photographs showing damages have been produced. It is submitted that the staff, more particularly teaching staff have damaged the infrastructure and surveillance cameras and their activities are detrimental to the interest of the students. The intention of the petitioners is that the present management should not have control over them so that they can do whatever they intend to do.

5. The learned Government Advocate (Criminal Side) further submitted that the petitioners 1 , 2 and 6 are not arrayed as accused in this case.

6. When the matter was taken up last time, after hearing the parties, this Court directed the petitioners to file an affidavit that they will maintain good behaviour and maintain peaceful atmosphere in the school premises. Today, the petitioners have filed affidavits to that effect.

7. Taking note of the submissions of both the parties and more particularly, the affidavits filed by the petitioners, **this Court is inclined to grant anticipatory bail to the petitioners 3 to 5 and 7 to 12.**

8. Accordingly, the petitioners 3 to 5 and 7 to 12 are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the XIV Metropolitan Magistrate, Egmore, subject to the following conditions:

(i) the petitioners 3 to 5 and 7 to 12 shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii) the petitioners 3 to 5 and 7 to 12 shall stay away from the school premises and they should not be found in and around the school premises.

(iii) the petitioners 3 to 5 and 7 to 12 shall report before the respondent police daily at 10.30 a.m. until further orders.

(iv) the petitioners 3 to 5 and 7 to 12 shall not tamper with evidence or witness either during investigation or trial;

(v) the petitioners 3 to 5 and 7 to 12 shall not abscond either during investigation or trial.

(vi) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners 3 to 5 and 7 to 12 in accordance with law as if the conditions have been imposed and the petitioners 3 to 5 and 7 to 12 released on bail by the 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].

9. The management cannot be allowed to continue work with the help of third parties thereby depriving the teaching staff, their work, their grievance being redressed properly.

10. The respondent is directed to complete the investigation as early as possible as teachers should earn their wages.

11. As the petitioners 1, 2 and 6 are not accused in this case, this petition with regard to the petitioners 1, 2 and 6 is closed.

04.07.2016

VRC

S. VAIDYANATHAN, J.

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