

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Second day of March Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice P. DEVADASS

CRIMINAL ORIGINAL PETITION No.3623 of 2017

1 P.SIVAPRAKASH,
2 V.VASNTH KUMAR,

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE
AVINASI POLICE STATION,
TIRUPUR DISTRICT.
CR.NO.119 OF 2017.

[RESPONDENT]

For Petitioner : M/S.I.PARANTHAMEN Advocate

For Respondent : MR. R.SEKAR, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Petition for anticipatory bail in Crime No.119 of 2017.

2. Offence alleged is under Section 3 of TNPPDL Act.

3. According to the learned counsel for the petitioners, even in the FIR, only two unidentified persons have been mentioned as accused. However, the police after arresting of two persons viz., A3 and A4 and extracting something from their mouth, has implicated the petitioners also.

4. Learned counsel for the petitioners submitted that petitioners are businessmen. They are so far not involved any criminal case. They are ready to cooperate with the investigation agency. Thus, they seek anticipatory bail.

5. The Investigation Officer filed counter.

6. Learned Government Advocate (Crl.Side) submitted that in Avinashi in Tiruppur, petitioners and others have pelted stones on the MLA office of Avinashi Legislative Assembly constituency. They also damaged glass worth about Rs.1,500/-.

7. I have anxiously considered the rival submissions and perused the averments in the anticipatory bail petition and the averments in the counter filed by the Investigation Officer.

8. In each Legislative Assembly Constituencies, for the purpose of doing public work, there is a MLA office. There are some staff to maintain the office. The defacto complainant is a staff in the said M.L.A Office.

9. In the wake of recent unrest in the State on 18.2.2017 at about 3.45 pm, there was pelting of stones on the office of MLA in Avinashi Legislative Assembly Constituency, which is being represented by the Hon'ble Speaker of the Legislative Assembly. At that time, the Hon'ble Speaker was not in the M.L.A. Office. There were broken glass pieces. Prosecution estimated the damage at Rs.1,500/-

10. Learned counsel for the petitioners contended that even the defacto complainant only mentioned two persons in the complaint. Further, he did not give description or full identity of the miscreants. In the circumstances, the petitioners have been roped in this case.

11. Considering all the above aspects and the nature of the allegations made and the stage of the case, I am inclined to grant them anticipatory bail.

12. Ordered as under:

(i) Anticipatory bail granted.

(ii) Petitioners shall surrender before the learned Judicial Magistrate, Avinashi, within 15 days of receipt of a copy of the order;

(iii) Petitioners shall execute a separate bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the said Magistrate;

(iv) Petitioners shall appear before the respondent police as and when required for interrogation.

-sd/-
02/03/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
AVINASHI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
AVINASI POLICE STATION,
TIRUPUR DISTRICT.

+1 CC to M/S.I.PARANTHAMEN Advocate on payment of necessary
charges-Sr.4117

CRL OP.3623/2017

Date :02/03/2017

ths : 07.03.2017