

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.16107 of 2018

1 MOHAN @ MOHANASUNDARAM
2 KAMARAJ

[PETITIONERS / ACCUSED]

Vs

STATE BY
THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO.728 OF 2018.

[RESPONDENT]

For Petitioner : M/S.S.PARAMESWARAN Advocate

For Respondent : MR.C.RAGHAVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.728 of 2018 registered by the respondent for the alleged offence punishable under Section 3 of the TNPPDL Act in Crime No.728 of 2018.

2. The case of the prosecution as per the defacto complainant is that the petitioners along with the other accused damaged the Flag Post belonging to the rival political party and the damage has been valued at Rs.5,000/-.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and due to political enmity, they have been falsely implicated in this case. He would further submit that without prejudice to their contentions, the petitioners, to show their *bona fide*, are prepared to deposit a sum of Rs.5,000/- each totalling to Rs.10,000/- before the Magistrate.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners, belong to a rival political party caused damage to the Flag Post belonging to the opposite rival political party.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and also the fact that the petitioners are prepared to deposit Rs.5,000/- each, without prejudice to their contentions, I am inclined to grant anticipatory bail to the petitioners subject to the following

conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-I, Tiruppur, within a period of fifteen days from the date of receipt of a copy of this order on their executing 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 the said Magistrate, on further condition that:

[a] each of the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) totalling to Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.293 of 2018 before the said Court before executing the bond.

[b] The final order in respect of the said deposit shall be passed by the trial Judge at conclusion of trial.

[c] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[d] the petitioners shall report before the respondent police daily at 10.30.a.m until further orders.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
28/06/2018

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,
NO.I, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR DISTRICT.

+1CC to M/S.S.PARAMESWARAN Advocate on payment of necessary
charges SR NO.11793

CRL OP.16107/2018

Date :28/06/2018

MK:04/07/2018