

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Second day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.16482 of 2018

K.BHARATHIRAJA,

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,

D1. TRIPLICANE POLICE STATION,

CHENNAI-600 005.

CR. NO. 226 OF 2018.

For Petitioner : M/S.R.PRABHAKARAN Advocate

For Respondent : MR.M.MOHAMED RIYAZ,ADDL.PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.226 of 2018 registered by the respondent police for the alleged offence punishable under Sections 147, 148, 341, 188 of IPC and Section 41 of Tamil Nadu City Police Act.

2. The case of the prosecution as per the de-facto complainant one Maruthu, who is the Sub-Inspector of Police attached to the respondent police station, is that on a special report given by him, the case has been registered. As per the special report, on 10.04.2018, while he was in bundhobust duty near Triplicane police station, at that time around 17.30.hours, the petitioner along with other members belonging to various political organisations, joined together along with 500 persons formed into an unlawful assembly and had raised slogans regarding Cauvery Management Board and also raised slogans against the State and Central Government and the defacto complainant asked them not to create any disturbance to the traffic, whereas, the petitioner continued to cause disturbance to the public and to the traffic and thereby, on the complaint given by the defacto complainant, the case has been registered against him.

3. The learned counsel for the petitioner would submit that the petitioner is a film director, who has directed several award winning films. He would submit that since Cauvery Management Board was not formed, despite the order passed by the Apex Court, the petitioner along with other political leaders, had agitated in democratic manner, whereas a false complaint has been given against them. He

would submit that the co-accused have been granted anticipatory bail and some of the arrested accused have also been released on bail.

4. The learned Additional Public Prosecutor would submit that though the instructions given by the defacto complainant that not to disturb the traffic and create problem to the public, the petitioner along with other leaders of political organisations in defiance of the instructions, caused disturbance to the traffic and raised slogans against the State and Central Governments.

5. Taking into consideration the facts of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned XIII Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

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

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

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

-sd/-
02/07/2018

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 METROPOLITAN MAGISTRATE,
NO.XIII,EGMORE,CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
D1. TRIPLICANE POLICE STATION,
CHENNAI-600 005.

+2 CC to M/S.R.PRABHAKARAN Advocate on payment of necessary charges SR.NO. 12189

CRL OP.16482/2018

Date :02/07/2018

RD 18/07/2018