

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K.ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13738 of 2019

1 MEGANATHAN
2 JAGADESH
3 BABU
4 RAJANIKANTH
5 ELLAPPAN
6 MOHAN
7 ELUMALAI

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE
SRIPERUMBUDUR POLICE STATION,
KANCHEEPURAM DISTRICT.
CRIME NO.300 OF 2019

[RESPONDENT]

For Petitioners : M/S.R.THIRUMOORTHY Advocate

For Respondent : MRS.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners/A2 to A7 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 143, 147, 188, 353 and 506(i) of IPC in Crime No.300 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant who is the Sub-Inspector of Police attached with the respondent police lodged a complaint and stated that the petitioners are employees of Chowel India Private Limited and on 28.04.2019 when the company management viz., Hawasin came with Advocate Commissioner to take the materials but the petitioners had objected to do the duty of Advocate Commissioner and thereby the petitioners violated the Court order and did not allow them to take away the machine and materials. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioners were not at all obstructed to execute the High Court order and they only demanded the Hawasin Management to continue the manufacturing in Chowel India Private Limited because so many employees are working in the said company for their livelihood. The agreement took place on 28.04.2019 between the management and the petitioner's association. Thereafter, warrant has also been executed and materials were taken from thereon. The petitioners are innocent person and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners/A2 to A7.

4. The learned Additional Public Prosecutor would submit that the petitioners are employees of Chowel India Private Limited and on 28.04.2019 when the company management viz., Hawasin came with Advocate Commissioner to take the materials but the petitioners had objected to do the duty of Advocate Commissioner and thereby the petitioners violated the court order and did not allow them to take away the machine and materials, hence, she vehemently opposed to grant anticipatory bail to the petitioners/A2 to A7.

5. It is seen that there are seven accused in this case and A1 was arrested and released on bail. The petitioners are employees of Chowel India Private Limited. On 28.04.2019 when the company management viz., Hawasin came with Advocate Commissioner to take the materials but the petitioners had objected to do the duty of Advocate Commissioner and thereby the petitioners violated the court order and did not allow them to take away the machine and materials.

6. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Sriperumputhur, on condition that the petitioners 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30a.m. for two weeks and thereafter, as and when required for interrogation.

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

[d] the petitioners 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 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]**.

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

-sd/-

06/06/2019

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,
SRIPERUMPUTHUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
SRIPERUMBUDUR POLICE STATION,
KANCHEEPURAM DISTRICT

+1 CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary charges SR.NO.10822

CRL OP.13738/2019

Date :06/06/2019

cm 11/06/2019