

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.4241 of 2020

1 RAMESH [PETITIONERS / ACCUSED]
2 TAMILSELVAN
3 N.RAJIV GANDHI
4 CHINRAJ @ GANESAN

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE
KANGEYAM POLICE STATION,
KANGEYAM, TIRUPPUR DISTRICT.
CR.NO.401 OF 2019.

For Petitioner : M/S.S.LAKSHMANASAMY Advocate

For Respondent : MR. K.PRABAKAR, Additional Public Prosecutor.

For Intervener : M/S.S.SILAMBUSELVAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 506(ii) of IPC and Section 3(1) of Prevention of Damage to Public Property Act 1984 in Crime No.401 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the dispute between the two groups, in the event of celebration of Aadi 18 at Odanilai function with respect of Theeran Chinnamalai function. The petitioner along with one group threatened the defacto complainant and also caused damages to his vehicles. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence made by the prosecution. He further submitted that the petitioners are ready to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each, to the credit of Crime No.401 of 2019. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the dispute between two groups, the petitioner and threatened the defacto complainant and caused damages the vehicles. She further submitted that no one injured. Hence, she opposed for grant of anticipatory bail to the petitioner.

5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, petitioner is concerned, he 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 on which the order copy made ready, before the learned Judicial Magistrate, Kangeyam, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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] each of the petitioner shall deposit a sum of Rs.10,000/- (Rupees Twenty Five Thousand only), to the credit of Crime No.401 of 2019, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

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

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
11/03/2020

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,
KANGEYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.S.LAKSHMANASAMY Advocate on payment of necessary charges SR.NO.4962

+1 CC to M/S.S.SILAMBUSELVAN, Advocate on payment of necessary charges SR.NO.4869

CRL OP.4241/2020

Date :11/03/2020

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