

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.5752 of 2020

1 SEENU @ SEENIVASAN
2 SEENIVASAN
3 ARUL @ ARUL KUMAR

[PETITIONERS / ACCUSED]

Vs

STATE REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TALUK POLICE STATION,
TIRUVANNAMALAI.
(CRIME NO.194 OF 2020).

For Petitioner : M/S. C.ANANDAN Advocate

For Respondent : MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 352 and 506(ii) IPC in Crime No.194 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Secretary of the Thamizhaga Cable TV Communication Pvt. Ltd, and on 01.03.2020 when the association meeting was going on at Krishna mahal the petitioners trespassed into the hall and have assaulted the defacto complainant and attempted to set him ablaze by pouring petrol. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the defacto complainant is the Secretary of the Thamizhaga Cable TV operators Association. Earlier the petitioners were members of the association and they have also deposited an amount of Rs.15lakh in the association. Later they have resigned from the association and they have asked for refund of the amount and there was a quarrel, due to which the defacto complainant has given a false complaint.

4. He would further submit that infact the defacto complaint had cheated the petitioners to the tune of Rs.15lakh, when the petitioners have demanded refund of the amount, a false complaint has been given. When they have asked for the amount, the defacto complainant threatened them and based on a complaint given by 1st petitioner, a case in Cr.No.195 of 2020 has been registered against the defacto complainant for the offence under Section 294(b), 323 and 506(i) IPC and thereby the case is a case in counter.

5. The learned Additional Public Prosecutor would submit that when the association meeting was going on, the petitioners have trespassed into the meeting hall and assaulted the defacto complainant and also attempted to pour petrol on the defacto complainant and set him ablaze. He would also submit that on the complaint given by the petitioner a case in Cr.No.195 of 2020 has been registered against the defacto complainant.

6. Considering the above facts and circumstances of the case, the case is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-II, Tiruvannamalai, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a likesum 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 10.30 a.m., until further orders.

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

-sd/-

17/03/2020

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,
NO.II, TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TALUK POLICE STATION,
TIRUVANNAMALAI.

CC to M/S. C.ANANDAN Advocate on payment of necessary charges
Sr.5171

CRL OP.5752/2020

Date :17/03/2020

RVR 19/05/2020

WEB COPY