

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.5764 of 2020

1 SIVABALAN
2 KAMALAKANAN
3 RAMESH KRISHNASAMY

[PETITIONERS / ACCUSED]

vs

STATE REP. BY
THE INSPECTOR OF POLICE,
BUNGALOWPUDUR POLICE STATION,
GOBICHETTIPALAYAM,
ERODE-638 512
(CRIME NO.72 OF 2020).

[RESPONDENT]

For Petitioner : M/S. ARUNA ELANGO 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 publishable under **Sections 147, 148, 341, 294(b), 323, 506(ii) IPC and 3(1) TNPPDL Act, in Crime No.72 of 2020** on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a former ADMK MLA and the petitioners are opposition party members and that due to political enmity, the accused armed with weapons and soda bottles waylaid the car abused with filthy language and attacked the defacto complainant and also damaged the wind shield of the car. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case due to political vendetta. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the victim has been discharged from the hospital .However, he opposed for the grant of anticipatory bail to the petitioners.

5. Taking into consideration, the facts and circumstances of the case and the fact that the victim has been discharged from the hospital, this Court deems it appropriate to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** each, to the **credit of Crime No.72 of 2020** and on such deposit, 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-I, Gobichettipalayam** on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with 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] the petitioners shall deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** each, to the credit of Crime No.72 of 2020 before the learned Magistrate.

[c] 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.

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

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

[f] 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]**.

[g] 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.I, GOBICHETTIPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BUNGALOWPUDUR POLICE STATION,
GOBICHETTIPALAYAM,
ERODE-638 512.

+1CC to M/S. ARUNA ELANGO Advocate on payment of necessary charges SR NO.5188

CRL OP.5764/2020

Date :17/03/2020

MK:23/03/2020

WEB COPY