

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.12.2020

CORAM

THE HONOURABLE Mr.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.7004 of 2020

1.Vijay
2.Ananthavel
3.Prasanth
4.Dinesh
5.Muthuvel
6.Muruganantham

... Petitioners

Vs.

STATE; rep. by its
The Inspector of Police,
Vettaikaranirrupu Police Station,
Nagapattinam District.
(Crime No.93 of 2020).

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to grant an anticipatory bail to the petitioners in the
event of their arrest in connection with Crime No.93 of 2020 on the
file of the respondent.

For Petitioners : Mr.J.Jawahar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.93 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ajith is that due to previous enmity with regard to usage of banned fishing nets, the accused joined together and assaulted the de facto complainant and his associates and also caused damage to five fishing boats. 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 due to rivalry on account of fishing rights. He would further submit that the petitioners have no previous case against them. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners along with other accused persons assaulted the *de facto* complainant and his associates and also caused damage to five fishing boats. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners would submit that the allegations are made against 150 persons and the petitioners, without prejudice to their defence, are prepared to deposit a sum of Rs.50,000/- each to the credit of Crime No.9 of 2020.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and the fact that the petitioners have come forward to deposit a sum of Rs.50,000/- each to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

[a] Accordingly, each of the petitioner is directed to deposit a sum of Rs.50,000/- [Rupees Fifty Thousand only] to the credit of Crime No.9 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 copy of this order is made ready, the petitioners shall execute a separate 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 Judicial Magistrate, Vedaranyam, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] 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.

[c] the petitioners shall report before the respondent police every day at 10.30 a.m for a period of two(2) weeks and thereafter, every Monday at 10.30 a.m until further orders.

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

[e] the petitioners 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 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]**.

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
09/12/2020

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,
VEDARANYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VETTAIKARANIRUPPU POLICE STATION,
NAGAPATTINAM DISTRICT.

CC to M/S. J.JAWAHAR Advocate on payment of necessary charges

CRL OP.7004/2020

Date :09/12/2020

TA-14/12/2020