

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P.Nos.7802 to 7805 of 2020

Maruthupandi,
S/o.Muthusami,
(Male/Aged about 23 years),
Nadu Street, Kudavasal taluk,
Vilagam, Tiruvarur.

.. Petitioner/Accused-7
(in Crl.O.P.No.7802 of 2020)

Athikesan @ Athikesavan,
S/o.Selvaraj,
(Male/Aged about 23 years),
Nadu Street, Kudavasal taluk,
Vilagam, Tiruvarur.

.. Petitioner/Accused-8
(in Crl.O.P.No.7803 of 2020)

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V.R.K.Bala @ Balakrishnan,
S/o.Kaliyaperumal,
(Male/Aged about 40 years),

Nadu Street, Kudavasal taluk,
Vilagam, Tiruvarur.

.. Petitioner/Accused-1
(in Crl.O.P.No.7804 of 2020)

P.T.Tamilkathir @ Ravindran,
S/o.Rajangam,
(Male/Aged about 50 years),
Mella Street, Kudavasal taluk,
Vilagam, Tiruvarur.

.. Petitioner/Accused-2
(in Crl.O.P.No.7805 of 2020)

Vs.

State by
The Inspector of Police,
Peralam Police Station,
Tiruvarur.

..Respondent/Complainant
(in all the cases)

(Crime No.199 of 2020)

Common Prayer: Criminal Original Petitions filed for anticipatory bail
under Section 438 of Criminal Procedure Code.

For Petitioners : Mr.M.Jaikumar
(in all the cases)
For Respondent : Mr.M.Jothikumar
Additional Public Prosecutor
(in all the cases)

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for alleged offence punishable under Sections 147, 148, 294(b), 353, 430, 379 & 506 (ii) of Indian Penal Code, 1882, 4(1)(1A) and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.199 of 2020, seek anticipatory bail.

2.The case of the prosecution is that on receipt of information the defacto complainant and other Police parties were checking the vehicles. At that time, the petitioners and other accused persons were loading river sand in Mahindra 585 tractor with tipper by damaging the river bed. When the defacto complainant and other Police parties questioned whether they have permission or license to take river sand, all the accused abused the defacto complainant and other Police parties in filthy language and threatened them with dire consequences and prevented them from doing their official duty and escaped from the place of occurrence. On complaint, case has been registered under Sections 147, 148, 294(b), 353, 430, 379 & 506 (ii) of Indian Penal

Code, 1882, 4(1)(1A) and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957.

3.The learned counsel appearing for the petitioners submitted that the petitioners are arrayed as A7, A8, A1 & A2. The petitioners have not committed any offence as alleged by the prosecution. Due to political enmity, a false case has been foisted on the petitioners. The petitioners are willing to furnish sureties and abide by any conditions that may be imposed by this Court. The learned counsel appearing for the petitioners submitted that A3, A4, A5 & A6 were arrested and enlarged on bail by the order of this Court dated 04.05.2020 in Crl.O.P.Nos.7288, 7295, 7296 & 7297 of 2020. The learned counsel appearing for the petitioners on instructions further submitted that in order to show their bonafide, the petitioners are ready and willing to deposit a sum of Rs.20,000/- each to the Chief Minister Public Relief Fund and prayed for granting anticipatory bail.

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4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the quantity of sand involved is one unit.

The petitioners and other accused threatened the respondent Police with dire consequences. He further submitted that the investigation is pending and hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6. Taking into consideration the nature of allegations against the petitioners in the FIR and also taking note of the fact that four co-accused were arrested and enlarged on bail, 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 their arrest or on their appearance within 15 days from the date of receipt of a copy of this common order before the Court of District Munsiff cum Judicial Magistrate, Nanilam on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties 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 District Munsiff cum Judicial Magistrate, Nanilam, failing which, the petitions for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners shall deposit a sum of Rs.20,000/-(Rupees twenty thousand only) each by Demand Draft in favour of the Joint Secretary & Treasurer, Chief Minister's Public Relief Fund (CMPRF), Finance Department, Government of Tamil Nadu, Secretariat, Chennai 600 009 or by Electronic Clearing System (ECS) to the Savings Bank Account No. 11720 10000 00070 of CMPRF to the Indian Overseas Bank, Secretariat Branch, Chennai 600 009 bearing IFSC Code IOBA0001172 and CMPRF PAN – AAAGC0038F, towards the fund collected for COVID-19, within a period of one week from the date of receipt of a copy of this order.

[b] the petitioners shall report before the respondent police once in a week on every Monday at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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.

7. Accordingly, all the Criminal Original Petitions are allowed.

26.05.2020

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Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order

To

1. The Inspector of Police,
Peralam Police Station,
Tiruvarur.

2. The Public Prosecutor,
High Court,
Madras.

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V.M.VELUMANI, J.,

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