

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH, J.

Crl.O.P.No.8781 of 2020

1.Vetrivel
2.Prathap
3.Arunraj

... Petitioners

Vs.

The Inspector of Police
Oomangalam Police Station
Cuddalore District
(in Crime No.163 of 2020)

... Respondent

Prayer:Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No.163 of 2020 by the respondent police pending investigation on the file of the inspector of police, Oomangalam Police Station, Cuddalore District.

For Petitioners : Mr.K.Vijayakumar

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 353, 506(2), 271, 188 IPC and 27 of Arms Act and 3 of Epidemic Diseases Act, in Crime No.163 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons violated the prohibitory order and celebrated the birthday function of A2, wherein, they were found to be cutting the cake with sickle and every one was found to be in possession of deadly weapons. This was uploaded in the Facebook and it was circulated in the social media. There are totally five accused persons in this case. The petitioners are ranked as A4, A5 and A3 respectively.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners have been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent police on instructions submitted that A1 & A2 were arrested and later, enlarged on bail and there are no previous cases pending against the petitioners.

5.Taking into consideration of the facts and circumstances, 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 a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Neyveli, Cuddalore District, on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees Five thousand only) each 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 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 deposit a sum of Rs.1,000/- (Rupees one thousand only) each to the credit of the President Tamil Nadu Advocate Clerk Association, High Court, Madras.

[c] the petitioners shall report before the respondent police every Monday and Friday at 10.30 a.m. for a period of four weeks, thereafter, as and when required for interrogation.

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

-sd/-
17/06/2020

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,
NEYVELI, CUDDALORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
OOMANGALAM POLICE STATION,
CUDDALORE DISTRICT.

4 THE PRESIDENT
TAMIL NADU ADVOCATE CLERK ASSOCIATION,
HIGH COURT, MADRAS.

CC to M/S.K.VIJAYAKUMAR Advocate on payment of necessary charges

CRL OP.8781/2020

Date :17/06/2020

cs 03/08/2020

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