

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 9522 of 2020

1. Usha
2. Rasa
3. Suguna
4. Selvi

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Vengal Police Station,
Tiruvallur District,
Cr. No.833 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.833 of 2020 on the file of the respondent police.

For Petitioners : Mr.R. Sasi Kumar

For Respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148, 294(b), 447, 324, 323, 307, 384 and 506(ii) r/w Section 3 (1) of TNPPDL Act and later it was altered to Sections 147,148, 294(b), 447, 324, 323, 384 and 506(ii) of IPC in Crime No.833 of 2020, seek anticipatory bail.

2. The case of the prosecution is that on 09.05.2020 the petitioners along with some others agitated before the defacto complainant's company namely VKN Industries and also abused the security and damaged the gate. The first petitioner who was a village president along with other persons questioned that why was the company working during the lock down period and there was a wordy quarrel between them. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the complaint and FIR is false and hypothetical. He would further submit the petitioners are innocent persons and they have been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioners along with some others agitated before the defacto complainant's company namely VKN Industries and also abused the security and damaged the gate of the company and the total value of the damage amounts to Rs.40,000/- (Rupees forty thousand only). Hence, opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to deposit a sum of Rs.40,000/- (Rupees forty thousand only) jointly to the credit of Crime No.833 of 2020, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Thiruvallur, on condition that each of the petitioners shall execute a seperate 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 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.40,000/- (Rupees forty thousand only) jointly to the credit of Crime No.833 of 2020, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

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

[g] 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].

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

-sd/-
29/06/2020

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,
NO.I, THIRUVALLUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VENGAL POLICE STATION,
THIRUVALLUR DISTRICT

CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges

CRL OP.9522/2020

Date :29/06/2020

cs 23/07/2020

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