

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.08.2020

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10473 of 2020

1.Natarajan@Navalan ... Petitioners
2.Periyasamy @ Neelavanathu Nilavan
3.Ganapathy

Vs.

State rep. by its Respondent
The Inspector of Police,
Vennandur Police Station,
Namakkal District.
Crime No.451 of 2020

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.451 of 2020 on the file of the respondent police.

For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 153, 294(b), 385, 353, 506(ii) IPC & 504 IPC in Crime No. 451 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Rathina Sabapathy is that he is contractor who had taken contract for constructing toilets in the Minnakal Panchayat Ponnkadu Village and that construction was going on. While so, on 18.06.2020, the accused had come in a four wheeler and that they have abused the defacto complainant and the officials with filthy language and also demanded money from them and when it was questioned they have threatened all the other persons there.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and that they were questioning the contractors with regard to the manner in which the toilets were

constructed out of Government funds and thereby contractors and Government officials foisted a false complaint against them. He would submit that the main accused one Raja @ Arasan was arrested and he has been enlarged on bail. Asfaras these petitioners are concerned, they have accompanied the main accused and other than that they have nothing to do with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners belong to political party and that they have the habit of threatening the contractors and demanding money from them. On 18.06.2020 they have threatened the contractor and officials and demanded money. He further submit that A1 has been arrested and enlarged on bail. Asfaras these petitioners are concerned, there are other cases pending against them. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and submission made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest by the respondent police or on their appearance, **within a period of fifteen days from the date of lifting of lockdown or the commencement of Court's normal functioning whichever is earlier**, before the Judicial Magistrate, Rasipuram, on condition that 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 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 report before the respondent police daily at 10.30 a.m., until further orders.

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

[d] the petitioners shall not abscond 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

18/08/2020

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,
RASIPURAM.

2 THE INSPECTOR OF POLICE,
VENNANDUR POLICE STATION,
NAMAKKAL DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO. 5953

CRL OP.10473/2020

Date :18/08/2020

MN-21/08/2020