

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.10808 of 2020

1. K. N. Saravanan
2. M. Suresh Kumar

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Kandili Police Station,
Vellore District.
Crime No.790 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in the event of arrest in Connection with the Crime No.49 of 2020 pending on the file of the respondent police.

For Petitioners : Mr. E. Kannadasan

For Respondent : Mr. M. Mohammed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 153 (A), 182, 505(i)(a) and 506(i) of IPC, 1860 in Crime No.790 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners who are brothers, by speaking ill of the community name of the defacto complainant, had created problem between two community people following which, so many problems arose in that area. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case and would submit that the defacto complainant and his associates were doing illegal quarrying of sand with the help of the respondent police and the petitioners had sent a complaint to the Deputy Inspector General of Police, Vellore District. Apart from that, the second petitioner had also filed a Public Interest Litigation application before this Court in W.P.No.1308 of 2020 seeking a direction against the Highways Authority and the District Collector, Tirunnavathi and Tahsildar to remove the encroachments and

the same was allowed by this Court with a direction directing the officials to remove all the encroachments and to submit the report before this Court on 26.03.2020. Hence a false complaint has been given against the petitioners. He would further submit that earlier the respondent police also served a notice under Section 41-A of Cr.P.C., asking the petitioners to appear on 17.07.2020 and that the petitioners also appeared before the respondent police. Hence, he prays for the grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners used derogatory words against the defacto complainant's community so as to create a community problem between two community people. Hence, he opposed for the grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.1, Thiruppathur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety, 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 petitioner 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 petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the petitioner 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 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].

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

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

-sd/-

23/07/2020

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, THIRUPPATHUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
KANDILI POLICE STATION,
VELLORE DISTRICT.

CC to M/S. E.KANNADASAN Advocate on payment of necessary charges

CRL OP.10808/2020

Date :23/07/2020

RVR 16/09/2020

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