

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2020

CORAM :

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

Crl.O.P.No.11502 of 2020

1.Kavi Kumar
2.A.Sridhar

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
H-2, Guduvanchery Police Station,
Kancheepuram District.
(Crime No.3374 of 2020) Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.3374 of 2020 pending investigation on the file of respondent police.

For Petitioners : K.Manikandan

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

ORDER

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 427, 294(b) and 506(i) of IPC in Crime No.3374 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners abused the defacto complainant in filthy language, damaged the flex banner of AITUC fixed near the Auto Stand and also removed the flag and threw into the canal. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as stated in the complaint and a false case have been given by the defacto complainant due to political animasity. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there was a wordy quarrel between the petitioner and the defacto complaiant. Due to which, the petitioner damaged the flex banner of AIITUC fixed near Auto Stand and removed the flag and threw into the Canal. He further submitted that there is no previous case against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and there are no previous cases pending against the petitioners, 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 Court No.II, Chengalpet, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two 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 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 daily at 10.30 a.m. for a period of two weeks and thereafter every Monday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

05/08/2020

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-II,
CHENGALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
H-2, GUDUVANCHERRY POLICE STATION,
KANCHEEPURAM DISTRICT.

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

CRL OP.11502/2020

Date :05/08/2020

TA-16/09/2020

WEB COPY