



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2020

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.12302 of 2020

1. T.Vivekananthan ... Petitioners/Accused 1 to 3
2. M.Lingeshwaran
3. P.Prabhu

Vs.

State Rep. By ...Respondent/Complainant
The Inspector of Police,
Vellakoil Police Station,
Tiruppur District.
(Crime No. 1698 of 2020.

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest by the respondent police, pending investigation of the case in Crime No. 1698 of 2020 on the file of the respondent.

For Petitioners : Mr. M. Vijayaragavan

For Respondent : Mr. M.K.Prabakar
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 341, 427 and 506(ii) of IPC in Crime No.1698 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 25.07.2020 at about 08.00 a.m., while the defacto complainant and his brother had gone a medical shop in their car, the petitioners along with other accused waylaid and scolded them in filthy language and also damaged number plate of the car.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would also submit that due to communal dispute, a false case has been foisted against the petitioners. He would further submit that the de-facto complainant's brother one Sounder along with his associates had attacked the petitioners with deadly weapons and scolded them filthy language and also threatened them on 24.07.2020, in respect of which a complaint in Crime No.1696 of 2020 has been registered against them for the offences under Sections 294(b), 323, 324, 506(ii) of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) the SC/ST (Prevention of Atrocities) Amendment Act, 2015 and as a counter blast, the present false case has been registered against the petitioners. The petitioners are the actual victims and a false case has been registered by the respondent police and hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to communal dispute, the petitioners have waylaid the de-facto complainant and abused in filthy language and caused damage to the car and later gone to the house of the de-facto complainant and threatened the family members also. He would further submit that it is a case in counter, however tension prevails in the Village.

5. The learned counsel for the petitioners would submit that the petitioners are willing to stay elsewhere from the Village.

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

7. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **Judicial Magistrate Court, Kangeyam**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 stay at Dindigul and report before Dindigul Town Police Station 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

19/08/2020

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,
KANGEYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELLAKOIL POLICE STATION,
TIRUPPUR DISTRICT.

5 THE OFFICER INCHARGE,
DINDIGUL TOWN POLICE STATION
DINDIGUL.

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

CRL OP.12302/2020

Date :19/08/2020