

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.14490 of 2020

1.Ramesh
2.R.Anandan

.. Petitioners

/versus/

State Represented by,
The Inspector of Police,
K-1, Sembium Police Station,
Chennai.
(Crime No.801/2020)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Crime No.801 of 2020 pending investigation on the file of the respondent.

For Petitioners : Mr.S.Shrenik Raj

For Respondent : Mr.C.Iyyappa Raj,
Additional Public Prosecutor

ORDER

The petitioners, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 341, 294(b), 353 and 506(i) IPC, seeks anticipatory bail.

2.The case as projected by the prosecution is that the property comprised in S.No.353/1 of Perambur Village, Block No.21 was originally utilized as a Police quarters till the year 1980 and thereafter due to dilapidated condition the same was kept unused, in the meantime one P.K.Rjendran raised construction in the property for which a complaint was lodged in Central Crime Brach in the year 2011 registered in Crime No.296 of 2011. The counter parties have also approached the Civil Court and the same is pending. While so, a portion of property was retrieved by the authorities in the year 2019. Subsequently, W.P.No.21651 of 2019 came to be filed as Public Interest Litigation and this Court directed to disconnect the electricity and water connection and to restore possession. The accused approached the Hon'ble Apex Court in SLP(C).No.5081 of 2020 and by order dated 27.02.2020, stayed the operation of the orders of

this Court. Therefore the defacto complainant, the Inspector of Police on 29.07.2020 had come to the spot to plant a display board for which the petitioners herein abused him in filthy language and threatened him with dire consequences. Hence, the respondent Police registered a case in Crime No.801 of 2020.

3.The learned counsel for the petitioners submitted that the defacto complainant instead of agitating the matter in the Court has come up with the board and attempted to plant the same near the entrance and the same was objected by the petitioners. He further submitted that the defacto complainant threatened the petitioners with dire consequences and foisted a false case against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the petitioners are A1 and A5 in the case. The Hon'ble Apex Court in SLP.No.5081 of 2020, stayed the order of this Court. Therefore the defacto complainant placed a public notice board and the same was objected by the petitioners and they abused the defacto complainant. He further submitted that the petitioners shall file an affidavit of undertaking stating that the petitioners will not disfigure, damage or remove the board placed by the defacto complainant.

5.Taking note of the facts and circumstance of the case, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions. Accordingly the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees fifteen thousand only) each to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai - 600 020 Andhra Bank, Madhya Kailash Branch (SB A/C.No.149710011005477) within a period of fifteen days from the date on which the order copy made ready and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned V Metropolitan Magistrate, Egmore, on condition that the petitioners shall execute a 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 shall file an undertaking affidavit stating that the board placed by the defacto complainant/ the Inspector of Railway Police would not be disfigured, damaged, defaced, disturbed or removed in any manner, before the concerned Magistrate while executing the sureties and shall produce the proof of payment made to the Cancer Institute before the Court below.

(b)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation, except the date of hearing which he is required in other cases.

(d)the petitioners shall not commit any offences of similar nature;

(e)the petitioners shall not abscond either during investigation or trial;

(f)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g)on breach of any of the aforesaid conditions, the learned Judicial 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];

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
25/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE METROPOLITAN MAGISTRATE
NO.V, EGMORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
K-1, SEMBIUM POLICE STATION,
CHENNAI.

4 THE CANCER INSTITUTE (WIA),
(REGIONAL CANCER CENTRE),
ADYAR, CHENNAI - 600 020
ANDHRA BANK, MADHYA KAILASH BRANCH
(SB A/C.NO.149710011005477)

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

cs 30/09/2020



CRL OP.14490/2020

Date :25/09/2020

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