

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.15137 of 2020

R.Durairaj

... Petitioner

Vs.

The State represented by,

... Respondent

The Inspector of Police,

Thirukuvalai Police Station,

Nagapattinam District.

(Crime No.550/2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail in the event of arrest of the petitioners in connection with Crime No.550 of 2020 on the file of the respondent police.

For Petitioner : Mr.P. Muthamizh Selvakumar

For Respondent : Mr. M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 507, and 506(i) of IPC in Cr. No.550 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 petitioner is a president of village panchayat, who has put up a shed in a public place and when it was questioned by the defacto complainant, the petitioner abused him with filthy language and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a innocent person and he has been falsely implicated in this case due to political vengeance. He would further submit that the petitioner is ready to abide by any stringent conditions to be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. .The learned Additional Public Prosecutor would submit that the petitioner using his political power has un-authorisedly put a shed in public place and when the same was questioned by the defacto complainant, the petitioner threatened the defacto complainant with dire consequences and abused him with filthy language. Hence, he vehemently opposed to grant bail to the petitioner.

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

6. Accordingly, the petitioner is directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No-II, Nagapattinam, on condition that the petitioner 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 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 daily at 10:30 a.m for a period of two weeks and thereafter every Monday at 10:30a.m until further orders.

[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 is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate 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/-
25/09/2020

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 COURT NO.II,
NAGAPATTINAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUKUVALAI POLICE STATION,
NAGAPATTINAM DISTRICT.

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

CRL OP.15137/2020

Date :25/09/2020

TA-08/10/2020

WEB COPY