

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.15304 of 2020

1. Appanu @ Maheswaran
2. Gunasekaran @ Guna
3. Mariyappan
4. Jagajothi
5. Ravichandran
6. Subramanian
7. Settu @ Ramesh @ Raneshkumar
8. Pandidurai
9. Abdulkalam @ Abdulsalam
10. Elango
11. Nagaraj
12. Mariyappan
13. Yuvaraj

... Petitioners

Vs.

The State represented by
The Inspector of police,
Velankanni Police Station,
Nagapattinam District.
Crime No.754 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of arrest in
Crime No.754 of 2020 on the file of the respondent police.

For Petitioners : Mr.U.Kathiravan

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

O R D E R

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the
respondent police for the offences publishable under Sections 147,
294 (b), 353, 269 & 506 (i) of IPC in Crime No.754 of 2020, on the
file of the respondent police, seek anticipatory bail.

2. The case of the prosecution, as per the defacto complainant viz., Arul Aravind, who is the Village Administrative Officer (in-charge), South poigainallur, is that while he was conducting survey to put up the shed for fish market, the accused abused him in filthy language and threatened him and prevented him from discharging his duty. Hence the complaint.

3. The learned Counsel for the petitioners would submit that the first petitioner is a Village Panchayatar in South Poigainallur. During the Covid period, the other accused, who are fish sellers in the area, put up shed for selling fish and the same was objected by the defacto complainant and therefore a false case has been given and the petitioners names were unnecessarily tagged in this FIR. The Former President of village panchayat has given an application to the Sub Collector which is also pending before the Sub Collector. Due to political animosity a false case has been given. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners abused the defacto complainant since he had questioned the accused about the illegal occupation of the place for sale of vegetables. He would further submit that as far as the first petitioner is concerned, he has six previous cases. Hence, he opposed to grant of anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioner would submit that the first petitioner is a former elected President of Village Panchayat and he belongs to the opposition party and all the cases registered are only for political animosity.

6. Taking into consideration of the facts and circumstances of the case and also the submissions of the learned counsel, 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 their arrest or on their appearance, within a period of fifteen days from the date on which the copy of this order is made ready, 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 Judicial Magistrate No.I, Nagapattinam, 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 police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 am., 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 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 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/-

06/10/2020

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, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.15304/2020

Date :06/10/2020