

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15545 of 2020

1.M.Thanigaivelan
2.K.Kumar
3.K.Parameswaran
4.G.Selvavinayagam
5.G.Parthasarathy
6.K.Nagalingam

.... Petitioners/Accused 1 to 6

Vs.

The State represented by,
The Inspector of Police,
Nemili Police Station,
Ranipet District.
(Crime No.435 of 2020)

.... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
to enlarge the petitioners on anticipatory bail in the event of their
arrest in connection with Crime No. 435 of 2020, on the file of the
respondent police.

For Petitioners : Mr.A.Saranraj

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 alleged offences punishable under Sections
147, 148, 294(b), 341 and 506(ii) of IPC in Crime No. 435 of 2020, on
the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that on 29.08.2020, the
petitioners along with others had assembled in front of the Co-
operative Society, Senthamangalam and they protested as against the
Secretary of Co-operative Society and one Jaikumar and they had also
abused and intimidated them. Hence, the complaint.

3 The learned counsel for the petitioners submitted that the petitioners are innocent persons and that a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor submitted that due to the previous enmity, the petitioners had abused and intimidated the defacto complainant. He further submitted that there are no previous cases pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5 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;

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 from the date on which the order copy is made ready, before the learned Judicial Magistrate, Arrakkonam, on condition that each petitioner shall execute a separate 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 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 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/-
01/10/2020

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,
ARRAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NEMILI POLICE STATION,
RANIPET DISTRICT

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

सत्यमेव जयते

WEB COPY
CRL OP.15545/2020
Date :01/10/2020

cs 16/10/2020