

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.15743 of 2020

1.V.Sivakumar ... Petitioners  
2.Muthuviswanathan  
3.Radha @ Subramani  
4.R.P.Kandasamy  
5.N.Dhanapal  
6.S.Kumaravel

Vs.

The State represented by ... Respondent  
The Inspector of police,  
Uthiyur Police Station,  
Tiruppur District.  
Crime No.774 of 2020.

**Prayer:** Criminal Original Petition filed under Section 438 Cr.P.C.,  
praying to enlarge the petitioner on bail in the event of arrest in  
Crime No.774 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Guru Prasad

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

**ORDER**

**(This case has been heard through video conference)**

The petitioner who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 147, 294 (b), 353, 342 and 506 (ii) of IPC in Crime No.774 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant viz., P. Gopalakrishnan who is working as Assistant Executive Engineer is that when the defacto complainant along with other workers were doing foundation work for installing High Tension Tower at No.19/3 in Survey No.1603 of Sankarandampalayam Village, the petitioners along with other accused trespassed into the said land and abused the defacto complainant and other workers with filthy

language and also threatened them to stop the work. Hence the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are the Organizers and Members of the Federation of Associations (Kootiyakkam) and the Electricity Department without obtaining prior permission from the District Collector attempted to install High Tension Tower. Since, it was objected by the petitioners a false complainant has been lodged against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners along with other accused persons trespassed into the land and assaulted a Government Officer in the cadre of Assistant Executive Engineer and threatened them not to do their work. He would further submit that the first petitioner is concerned he has one previous case of similar nature. Hence, he opposed the grant of anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also the submissions made by the learned counsels on either side, 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 his arrest or on his 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 separate 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 Judicial Magistrate Kangeyam, Tiruppur District, 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 is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner 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/-

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, KANGEYAM  
TIRUPPR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

+1 CC to M/S.M.GURUPRASAD Advocate on payment of necessary charges SR.NO.6649

CRL OP.15743/2020

Date :06/10/2020

TA-13/10/2020