

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.15968 of 2020

1. Sathyavani ... Petitioners
2. Valliammal
3. Selvi
4. Amutha
5. Vijaya
6. Kasthuri
7. Janaki
8. Jothi
9. Kanchana
10. Lalitha
11. Vanathy
12. Mariammal
13. Mageswari
14. Unnamalai
15. Jayanthi

Vs.

The State Represented by, ...Respondent
The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
(Cr.No.152 of 2017)

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 Connection with the Crime No.152 of 2017 pending on the file of the respondent police.

For Petitioners : Mr.D.Ramesh Kumar
For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This 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, 448 of IPC r/w. Section 3 of TNPPDL Act in Crime

No.152 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz., Selvakumar, Supervisor of the TASMAC Shop is that on 13.05.2017, the petitioners had come to the TASMAC Shop and opened the grill gate and shutter and broken the bottles, thereby caused damages, which is worth about Rs.6,00,000/-. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that on 13.05.2017, there was an agitation by the Villagers against the opening of a TASMAC Shop in their area. Due to the agitation, a false case has been given as if the petitioners had broken the bottles. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners, during the agitation against opening of the TASMAC shop had broken the liquor bottles, which is worth about Rs.6,00,000/-. Hence, he opposed for grant of anticipatory 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 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 (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate, Palacode, Dharmapuri**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety, 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 daily at 10.30 a.m., for a period of one week and thereafter as and when required.**

[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.

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

-sd/-
09/10/2020

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,
PALACODE, DHARMAPURI

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALACODE POLICE STATION,
DHARMAPURI DISTRICT.

+1 CC to M/S. D.RAMESH KUMAR Advocate on payment of necessary charges SR.NO.6823

CRL OP.15968/2020

Date :09/10/2020

TA-15/10/2020