

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16113 of 2020

1.Selvarajan @ Selvarasu
2.Jayakumar
3.Elayaraj
4.Rajanayagam
5.Bakiyaraj @ Packiayraj
6.Karthik
7.Raja
8.Pari
9.Prabhakar @ Prabakaran
10.Gobi

... Petitioners

Vs.

The State rep. by
The Inspector of Police
Meensurutti Police Station
Ariyalur District
Cr.No.460 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.460 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.K.Balu

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 under Sections 147, 148, 294(b), 506(ii) IPC r/w Section 3(1) (r) , 3(1)(s), 3(2) (va) of SC/ST POA Act 2015 and Section 3 (1) of TN Public Property (Prevention of Damage and Loss) Act, 1992 @ under Sections 147, 148 IPC r/w Section 3(1) of TNPPDL Act, in Crime No.460 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Jayanthi who is the Panchayat President of Kundaveli Panchayat is that on 05.08.2020, when the de-facto complainant was supervising the construction work of compound wall of Panchayat office, the accused had prevented her from performing her duties and also caused damage to the compound wall and also threatened the de-facto complainant with dire consequences.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case, due to political animosity. Originally, the case was registered for the offences under Sections 147, 148, 294(b), 506(ii) of IPC r/w Section 3(1) (r) , 3(1)(s), 3(2) (va) of SC/ST POA Act 2015. Later, the provision of offence under the Prevention of Atrocities Act / SCST Act have been deleted. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to enmity, the accused persons trespassed into the property of the Panchayat office and caused damage to the compound wall constructed therein and also threatened the de-facto complainant with dire consequences.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners are ordered 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 was made ready, before the learned Judicial Magistrate, Jayankondam, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] the 1st petitioner shall report before the respondent police daily at 10.30 a.m for a period of one week and thereafter, as and when required for interrogation and the petitioners 2 to 10 shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, on every Monday at 10.30 a.m until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
12/10/2020

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,
JAYANKONDAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MEENSURUTTI POLICE STATION,
ARIYALUR DISTRICT.

+1 CC to M/S .K.BALU Advocate on payment of necessary charges
SR.No.6790

CRL OP.16113/2020

Date :12/10/2020

cs 16/10/2020