

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.16959 of 2020

1. Vivekanandhan  
2. Babu

... Petitioners

Vs.

The State represented by  
The Inspector of police,  
Walajapet Police Station,  
Ranipet District.  
Crime No.818 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.818 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.C. Paul Kanagaraj

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 apprehends arrest at the hands of the  
respondent police for the offences publishable under Sections  
294 (b), 353 and 506 (ii) of IPC in Crime No.818 of 2020, on the file  
of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner who  
is the president of Walajapet Advocate Bar Association and the second  
petitioner who is the former president of the said Association  
misbehaved with the respondent police in the Court premises. 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 they have not  
committed any offence as alleged by the prosecution. Hence, he prays  
for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners have misbehaved with the respondent police in the Court Premises. He would further submit that there is no previous case as against the petitioner. However, he opposed to grant of anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also the submissions of the learned counsel appearing 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 arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate-II, Walajapet on condition that the petitioners shall execute a 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 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-  
28/10/2020

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.II, WALAJAPET.

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
WALAJAPET POLICE STATION,  
RANIPET DISTRICT.

CC to M/S. R.C.PAUL KANAGARAJ Advocate on payment of necessary charges

CRL OP.16959/2020

Date :28/10/2020

cs 09/11/2020

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