

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.18314 of 2020

1.Govindasamy
2.Sakthivel
3.Velan

... Petitioners

Vs.

State rep. By
The Inspector of Police
Karimangalam Police Station
(Crime No.1464 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent police in Crime No.1464 of 2020 on the file of the respondent police.

For Petitioners: Mr.H.Manojin

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 offences punishable under **Section 147, 294(b), 353, 506(ii), 188 and 269 IPC** in Crime No.1464 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Kalaiselvi, the Tahsildhar, Karimangalam is that on 04.09.2020, when the defacto complainant along with other officials had gone to the remove the encroachments, the petitioners along with other accused, abused them in filthy language and prevented them from discharging their duties. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case since, they questioned the defacto complainant for removing encroachments without any proper notice. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant is the Tahsildhar and when she had gone to clear the encroachments, the petitioners along with others, abused the defacto complainant and others in filthy language and prevented them from discharging their duties. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and the submissions made by the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 is made ready**, before the **learned Judicial Magistrate, Palacode**, on condition that the petitioners 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 daily 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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
20/11/2020

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.

2 THE CHIEF JUDICIAL MAGISTRATE,
DHARMAPURI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION.

CC to M/S.H.MANOJIN Advocate on payment of necessary charges

CRL OP.18314/2020

Date :20/11/2020

MN-09/12/2020