

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.12.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.Nos.19956 & 19957 of 2020

Subburayan

... Petitioner in Crl.O.P.19956/2020

1.R.Amarnath

... Petitioners in Crl.O.P.19957/2020

2.G.Madhavan

3.T.Senthilkumar

4.J.Rajesh Kannan

5.D.Tamizhmani

Vs.

The Station House Officer
N.T.Police Station,
Cuddalore.
(Crime No.1252 of 2020)

... Respondent

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in connection with Crime No.1252 of 2020 on the file of the respondent.

For Petitioners : Mr.Stalin Abhimanyu

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

COMMON ORDER

(The cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 01.12.2020 for the offences punishable under Section 143, 341, 294(b), 332, 353 and 506(ii) IPC and Section 4 of TNPWH Act, in Crime No.1252 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant viz. Devanathan, Grade-I, Sub Inspector of Police attached to the respondent police station is that on 01.12.2020, the petitioners along with 50 others gathered before the Head Post Office, Cuddalore and resorted to a picketing form of protest against the Farm Laws, in support of the agitating farmers in Delhi and throughout the nation without obtaining permission and the further allegation is

that when the respondent police attempted to prevent them, they behaved in a rude manner and also assaulted the police personnel, due to which, four men police constables and five women police constables were injured.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners belong to a political party and that they were protesting against the Farm Laws, in support of the agitating farmers in Delhi and throughout the nation in a democratic manner and it was only the police personnel who tried to give a different colour to suit political interest, behaved in a rude and unlawful manner to them. He would further submit that the petitioners have not assaulted the police personnel as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioners along with 50 others without obtaining permission from the police authority, resorted to a picketing form of protest against the Farm Laws, in support of the agitating farmers in Delhi and throughout the nation. He would further submit that when the police were attempted to prevent them, they have also assaulted the police personnel, due to which 4 men constables and 5 women constables were injured. He would further submit that the injured have been discharged and the petitioner in Crl.O.P.No.19956 of 2020 has five previous cases of similar nature to his credit and the 1st petitioner in Crl.O.P.No.19957 of 2020 has two previous cases.

5.At this juncture, the learned counsel for the petitioners would submit that the petitioners are not the criminals and that they belong to a particular political party. He would further submit that the petitioners have only protested against the Farm Laws, in support of the agitating farmers in Delhi and throughout the nation in a democratic manner, due to which, they were implicated in this case and they have no criminal cases against them.

6.Heard the learned Counsel on either side. Perused the materials placed on record,

7.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to 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 learned Judicial Magistrate, Additional Mahila Court, Cuddalore, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners on their release from prison shall report before the respondent police 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 commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, these Criminal Original Petitions are ordered.

-sd/-
14/12/2020

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
ADDITIONAL MAHILA COURT
CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
N.T.POLICE STATION,
CUDDALORE.

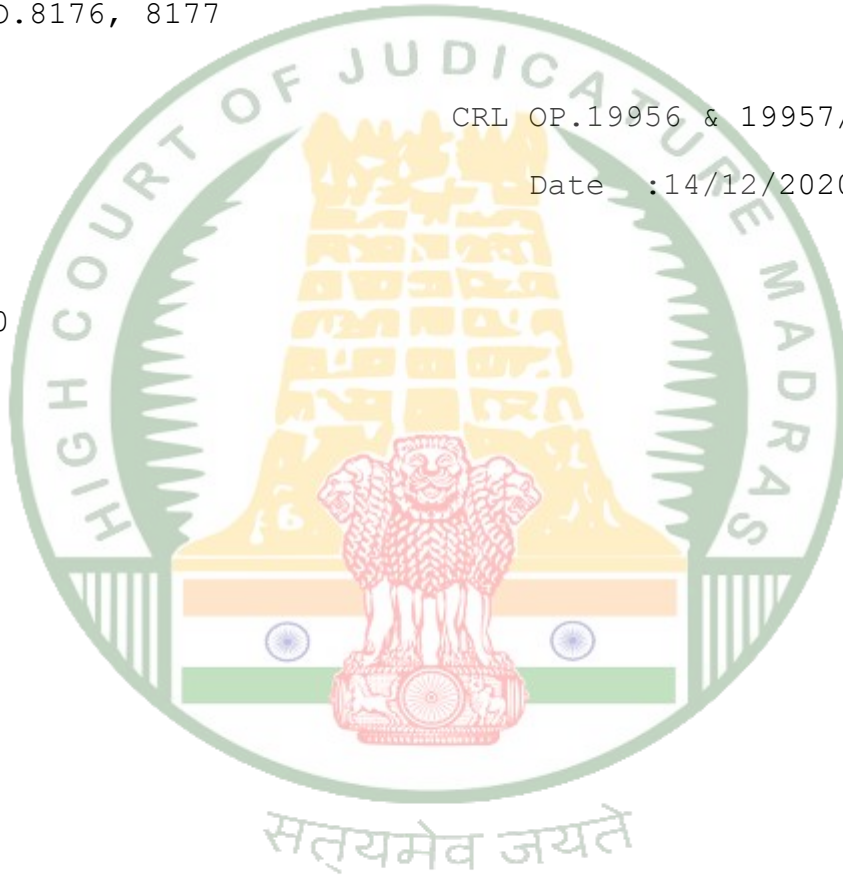
5 THE JAILER,
SUB JAIL, CHIDAMBARAM,

+2 CC to M/S.STALIN ABHIMANYU Advocate on payment of necessary
charges SR.NO.8176, 8177

CRL OP.19956 & 19957/2020

Date :14/12/2020

TA-15/12/2020



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