

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G. CHANDRASEKHARAN

Cr1.O.P.No.21013 of 2020

M.S.Kaleeshwaran

... Petitioner

Versus

State of Tamil Nadu represented by ... Respondent
The Inspector of Police,
Kaniyur Police Station,
Tiruppur District.
(Crime No.713 of 2020)

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail, in the event of his arrest in connection with Crime No.713 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Arjun

For Respondent : Mr. M. Mohamed Muzammil,
Government Advocate (Cr1.side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 143, 447, 353 and 506(i) of IPC, in Crime No.713 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.Heard the submissions made by the learned counsel for the petitioner and learned Government Advocate (Cr1.side) appearing for the respondent/police.

3.It is seen that the petitioner is the first accused in this case. It is also seen from the submissions of the counsel for both sides that the allegation against the petitioner is that the petitioner along with 50 others had criminally trespassed into the Karivardaraja Perumal Temple land, in which one Rasappan, is a cultivating tenant. The petitioner and others have protested against Rasappan, for having planted Coconut saplings in the land, which belonged to the Temple, since, his lease period comes to expire on 30.06.2021.

4.It seems that there is no damage occurred to the property and no one suffered any injury in this case. The allegation against the petitioner is that he had only indulged in criminal intimidation punishable under Section 506(i) of IPC., and criminal trespass under Section 447 of IPC.

5.Considering the nature of offence alleged against the petitioner and facts and circumstances of the case, and the fact that the petitioner being an Advocate, this Court is of the considered view that the petitioner may be released on anticipatory bail subject to the following conditions. However, this Court observes that being an advocate, he should not have taken law in to his own hands and ought to have resorted to legal remedy available to him.

6.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate, Madathukulam, on condition that the petitioner shall execute a 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 and on the further conditions that:-

[a] the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
30/12/2020

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 DISTRICT MUNSIFF CUM
JUDICIAL MAGISTRATE, MADATHUKULAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANIYUR POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S. S.ARJUN Advocate on payment of necessary charges
SR.NO.8766

CRL OP.21013/2020

Date :30/12/2020

TA-07/01/2021

WEB COPY