

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.278 of 2021

P.Kathiravan

... petitioner

Vs.

State Rep. by The Inspector of Police,
Ealagiri Police Station,
Tirupattur District (Formerly Vellore District).
(Crime No.89 of 2020) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge Bail to the petitioner in the event of his arrest in Crime No.89 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Swamidoss Manokaran

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.89 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the accused belongs to the same political party and the defacto complainant became Vice President of Tirupattur District. The accused was not given any post in the party, resulting in difference of opinion between them. The defacto complainant received a phone call that the accused has removed the party Flag at Athanavur Village Bus Stop. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a social worker and also belongs to the same political party. There is difference of opinion regarding the post in the political party and no way connected with this crime and he has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner had assaulted the defacto complainant, due to which, the defacto complainant sustained injuries. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration, the nature of offence, the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 on which the order copy is made ready, before the learned Judicial Magistrate No.III, Tirupattur, on condition that the petitioner shall execute a 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 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
18/01/2021

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.III,
TIRUPATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
EALAGIRI POLICE STATION,
THIRUPATHUR DISTRICT.
(FORMERLY VELLORE DISTRICT)

CC to M/S.S.SWAMIDOSS MANOKARAN Advocate on payment of
necessary charges

CRL OP.278/2021

Date :18/01/2021

MK:02/02/2021

WEB COPY