

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.846 of 2021

1. Kalanithi @ Surapundi Kalanidhi ... petitioners
2. Ilayapathy @ Ilapathy

Vs.

State rep. by ... Respondent
The Inspector of Police,
Aarambakkam Police Station,
Thiruvallur District.
(Crime No.7 of 2021)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.7 of 2021 on the file of the Police, Aarambakkam Police Station, Thiruvallur District.

For Petitioners: Mr.S.Sasikumar

For Respondent : Mr.S.Karthikeyan
Addl. 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 Sections 341, 323, 353, 506(ii) IPC and section 3(1) of TNPPDL Act in Crime No.7 of 2021, seek anticipatory bail.

2. Totally there are four accused involved in this case and the petitioners are ranked as A and A2. The defacto complainant is the Supervisor of TASMACHOP shop. The allegation is that all of the accused who were belonging to Arambakkam Village Panchayat said to have damaged the wind screen of the vehicle which is carrying liquor bottles of TASMACHOP shop and attacked the defacto complainant and caused injury. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are villagers who were protested for opening TASMACHOP shop in their area. Subsequently, the Government officials rejected the petitioners' request for the general public and they make arrangements for

opening TASMAC shop. In the melee, a wordy quarrel arose among themselves and it is a case in counter in CSR No.9 of 2021 and the same was pending. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners said to have damaged the wind screen of the public property and objected to open TASMAC shop in their area. He further submitted that it is a case in counter in CSR No.9 of 2021 and A3 and A4 were arrested and they are still in custody. He further submitted that there is no bad antecedents against the petitioners.

5. Taking into consideration the nature of offence and also taking note of the submission that the petitioners are only protesting for opening TASMAC shop in their area, 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 District Munsif cum Judicial Magistrate, Gummidipoondi, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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 as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness 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, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
02/02/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
GUMMIDIPOONDI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AARAMBAKKAM POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.S.SASIKUMAR Advocate on payment of necessary charges SR NO. 1036

CRL OP.846/2021

Date : 02/02/2021

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