

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Third day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.7324 & 7325 of 2021

1 MASILAMANI [PETITIONERS IN CRL.O.P.NO.7324/2021]
2 SIVAPUNNIAM
3 SENTHIL
4 VENKATESAN
5 DURAIVELAN
6 KESAVARAJ

KALAIVANAN [PETITIONERS IN CRL.O.P.NO.7325/2021]

Vs

STATE REP.BY [RESPONDENT IN BOTH THE PETITIONS]
THE INSPECTOR OF POLICE,
TIRUVARUR TALUK POLICE STATION,
TIRUVARUR.
CR.NO.174 OF 2021.

For Petitioner : M/S.N.R.ELANGO, Senior Counsel, for
M/S.E.RAJ THILAK Advocate
[IN BOTH THE PETITIONS]

For Respondent : M/S.A.NATARAJAN, STATE PUBLIC PROSECUTOR
[IN BOTH THE PETITIONS]

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 194(b), 332, 307 of IPC and Under Section 3(1) of Prevention of Damage to Public Property Act, 1984 and Under Section 207 of the Motor Vehicle Act, 1988, seeks anticipatory bail.

2.The petitioners who are accused in Crime No.174 of 2021 for the offence under Sections 147, 148, 194(b), 332, 307 of IPC and Under Section 3(1) of Prevention of Damage to Public Property Act, 1984 and Under Section 207 of the Motor Vehicle Act, 1988 have filed these Anticipatory Bail Petitions. The defacto complainant is a

Armed Reserved Police Constable attached to First Division and on 26.01.2021, there was a protest was going on in Tiruvarur in support of the farmers protest happening in the Capital City of Delhi to repeal the controversial laws passed by the Government, wherein Al being the District Secretary of the DMK Political party had organised a tractor rally along with other political alliance and had taken out the protest rally.

3.The first petitioner is said to have led the rally around 12.30 p.m., started the rally by using the tractor bearing Registration No.TN 50 AV 9405 driven by the District Secretary of the DMK Political Party along with several other tractors and two wheelers following him from Kodarancherry towards Thiruvarur with their political flags stuck around the tractor.

4.The defacto complainant had placed barricades and discharged their duties. It is alleged in the FIR that when he tried to stop the petitioners and his party members as the rally was without permission, the District Secretary and his party members scolded the defacto complainant in foul language and tried to run over the barricades put up by the complainant. Due to the act of District Secretary two police men got injured on their right thumb and left index finger, gone to the Thiruvarur Government Hospital and treated as out patient.

5.The contention of the State Public Prosecutor is that the police men were deployed to implement the prohibitory order. It is well known that during pandemic situation assembling public people are not allowed, the petitioners led the rally which was stopped by the defacto complainant, who was implementing the prohibitory order. Al along with other party members scolded the complainant in foul language and attempted to run over the barricades, caused injuries to two policemen on duty and caused damages to the property. In view of the same objected for grant of anticipatory bail to the petitioner.

6.Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are 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 made ready, before the learned Judicial Magistrate, Tiruvarur, on condition that the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each 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 petitions 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 to pay Rs.3,000/- each to the credit of the Crime No.174 of 2021.

[c] the petitioners 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.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

23/04/2021

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,
THIRUVARUR.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUVARUR TALUK POLICE STATION,
TIRUVARUR.

CC to M/S. E.RAJ THILAK Advocate on payment of necessary charges

CRL OP.7324 & 7325/2021

Date :23/04/2021

TA-09/06/2021

<https://hcservices.ecourts.gov.in/hcservices/>