

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3167 of 2021

Murugan

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Madhuravoyal Police Station,
Chennai District.
(Crime No.46 of 2021)

... Respondent

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 in Cr.No.46 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.Kanaka Velapan

For Respondent : Mr.S.Karthikeyan,
APP

ORDER

(The case has been heard through video conference)

Totally, there are six accused and the petitioner is arrayed as A6. He has been charged with for the offence punishable under Sections 147, 148, 294(b), 506(ii) of I.P.C. and 3 of TNPPDL Act, 1992, in Crime No.46 of 2021 and now, he has filed this petition seeking for anticipatory bail.

2. The case of prosecution is that the petitioner belongs to a particular political party. When they are crossing the highways toll, the employee of toll booth has demanded toll fee, all the accused attacked the employees of toll booth and also caused damaged to the toll booth to the tune of Rs.2,00,000/-. Hence, the present complaint has been filed against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is a District President of a particular political party and on the scene of occurrence, he was not present. He would submit that some of the party members attacked the toll booth somewhere-else, in which, the petitioner's name was implicated as accused in this case. He would submit that he is an innocent

person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the accused damaged the toll booth and also attacked the employees therein and caused damage to the tune of Rs.2 lakhs. He would submit that now the other arrested accused was released on bail and there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the fact that the petitioner is a District President of the political party and all the accused said to have caused damage to the toll booth to the tune of Rs.2 lakhs and also considering the fact that now, the arrested accused was released on bail, and there is no bad antecedents against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following stringent conditions:

(a) Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy was made ready, before the learned Judicial Magistrate No.II, Poonamallee, on condition that the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) as non-refundable deposit to the credit of Crime No. 46 of 2021 on the file of respondent police before the Judicial Magistrate-II, Poonamallee and the petitioner shall also execute a separate 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 daily at 10.30 a.m. for the 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 abscond, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
24/02/2021

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 JUDICIAL MAGISTRATE NO.II,
POONAMALLEE.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADHURAVOYAL POLICE STATION,
CHENNAI DISTRICT.

+1 CC to M/S.A.KANAKA VELAPAN Advocate on payment of necessary charges SR NO. 2301

WEB COPY

CRL OP.3167/2021

Date :24/02/2021

MN-04/03/2021