

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4738 of 2021

1 SEENIVASAN [PETITIONERS / ACCUSED]
2 KATHAR BASHA
3 RAJENDIRAN

Vs

STATE REP. BY [RESPONDENT]
THE INSPECTOR OF POLICE,
KANDILI POLICE STATION,
VELLORE DISTRICT.
CRIME NO.45 OF 2021.

For Petitioner : M/S.E.KANNADASAN Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

(This Case has been heard through Video Conferencing)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 286 of IPC r/w Section 4 of Tamil Nadu Public Property Damages and Loss Act 1992, in Crime No.45 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant belongs to rival political parties. Further, while the petitioners bursting crackers damaged the Statue of political leader, which was covered in a Gunny bags. Hence, the complaint was registered.

3.The learned counsel for the petitioner would submit that the petitioners are innocent persons and they are no way connected with this crime and they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners and the defacto complainant belongs to rival political party, the petitioners damaged a statue, Hence, the complaint. He would further submit that there is no previous case pending as against the petitioners.

5. Considering the facts and circumstances of the case, the occurrence taken place accidentally and that there is no previous case pending as against the petitioners, 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 made ready, before the learned Judicial Magistrate No.II, Thiruppathur, on condition that the petitioners shall 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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.

[d] the petitioners 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
10/03/2021

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,
THIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANDILI POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.NO.3129

CRL OP.4738/2021

Date :10/03/2021

TA-23/03/2021

WEB COPY