

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4503 of 2021

1. K.Jagan
 2. G.Raja
 3. K.Selvakumar
- Petitioners

-Vs-

The State

Represented by

Station House Officer,
Neyveli Township Police Station,
Cuddalore District.

(Crime No.104 of 2021) Respondent

Prayer: Criminal Original Petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.104 of 2021 is pending on the file of the respondent police.

For Petitioners : Mr.R.Gururaj

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 323, 447, 379, 353, 506(i) & Sec. 3(1) TN Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.104 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are belongs to Neyveli and opposed to open TASMAC shop in their locality. Thereafter, the petitioners had broke open the door of the TASMAC shop and caused damaged to the shop and the beverage to the tune of Rs.90,000/- and also criminally intimidated the police officers. Hence, the complaint was registered.

3.The learned counsel for the petitioner would submit that the petitioners have opposed for opening the TASMAC shop in the residential area and also filed by the Writ Petition No.5296 of 2017 before this Court and this Court by an order dated 16.03.2017 directed to make fresh representation and in turn the Government to consider the same and pass orders, and the matter is pending. In the mean time the present false case has been given against the petitioners. He would further 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 had opposed to open the TASMAC shop in the residential area and broke open the door of the TASMAC shop and caused damaged worth about of Rs.90,000/-. He would further submit that there is no previous case pending as against the petitioners. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, that the petitioners are only agitating against opening a TASMAC shop in their locality, 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 District Munsif cum Judicial Magistrate, Neyveli, 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/-
12/03/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NEYVELI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
NEYVELI TOWNSHIP POLICE STATION,
CUDDALORE DISTRICT.

+1CC to M/S.R.GURURAJ Advocate on payment of necessary charges SR NO.3445

CRL OP.4503/2021

Date :12/03/2021

MK:24/03/2021