

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6706 of 2021

MANIKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

SUB-INSPECTOR OF POLICE,

OMALUR POLICE STATION,

SALEM DISTRICT

CR.NO.185 OF 2021

[RESPONDENT]

For Petitioner : M/S.G.MUNURAJ Advocate

For Respondent : M/S.KRITIKA KAMAL .P Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 427 IPC r/w 7(1)(a) of Criminal Law Amendment Act in Crime No.185 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who belong to one political party along with few others gathered together and were shouting against another political party and also tore and damaged their flags and banners. With regard to the same, there was a wordy quarrel between the two political parties. Hence, the law enforcing agency registered the present complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that there was wordy quarrel between two political parties and this petitioner belongs to one of the party and was also present at the scene of occurrence. Hence, she vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Omalur on condition that the petitioner shall execute a 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 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 Court concerned 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 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

15/04/2021

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,
OMALUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

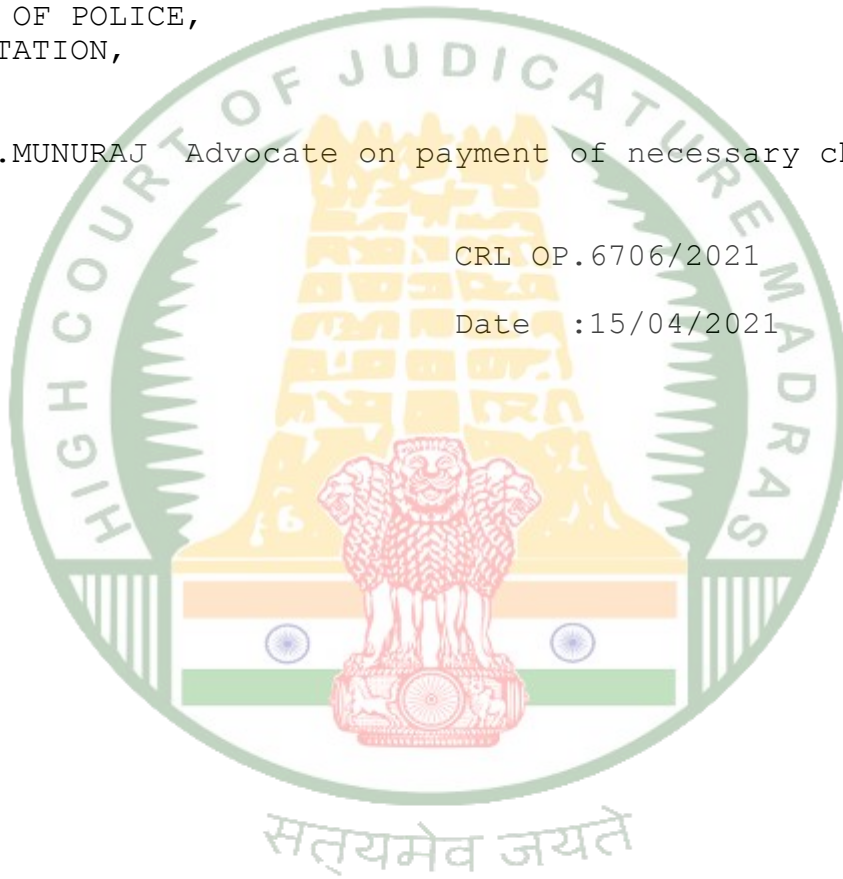
4 SUB-INSPECTOR OF POLICE,
OMALUR POLICES STATION,
SALEM DISTRICT.

CC to M/S.G.MUNURAJ Advocate on payment of necessary charges
SR.NO. 4796

CRL OP.6706/2021

Date :15/04/2021

rvr 19/04/2021



WEB COPY