

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 Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7626 of 2021

1 PALANI [PETITIONERS / ACCUSED]
2 T.RAJENDRAN
3 D.CHANDRAN
4 M.JAISANKAR
5 DHANASEKAR

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
BARUGUR POLICE STATION,
BARUGUR,
KRISHNAGIRI DISTRICT.
FIR NO.104 OF 2021.

For Petitioner : M/S.C.THILAGARAJ Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl.Side)

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 alleged offence under Section 147, 148, 323, 506(2) of IPC read with Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and 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 and the defacto complainant are politicians and there was dispute between them with regard to casting of bogus vote. Due to which there was a wordy quarrel and the petitioners assaulted the defacto complainant with dire consequences, thereby, the defacto complainant's car was broken and some of the persons belonging to the defacto complainant's party sustained injuries. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He

would further submit that the similarly placed co-accused have been granted anticipatory bail by this Court on 16.04.2021, in Crl.O.P No.7106 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the petitioners assaulted the defacto complainant with dire consequences, thereby, the defacto complainant's car was broken and some of the persons belonging to the defacto complainant party sustained injuries. He would further submit that the injured persons have been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also of the fact that the injured person has been discharged from the hospital and the similarly placed accused have been released on bail, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Krishnagiri**, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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 petitioners 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 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.

© 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 petitioner 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A 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,
NO.1, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BARUGUR POLICE STATION,
BARUGUR,
KRISHNAGIRI DISTRICT.

CC to M/S.C.THILAGARAJ Advocate on payment of necessary charges

CRL OP.7626/2021

Date :23/04/2021

TA-05/07/2021

WEB COPY