

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Sixth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7786 of 2021

SELVI

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
THIRUPPATHUR TALUK POLICE STATION,
THIRUPPATHUR DISTRICT.

[RESPONDENT]

For Petitioner : M/S. E.KANNADASAN Advocate

For Respondent : MR. T.SHUNMUGARAJESWARAN,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 353 of IPC and Section 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act 1959 in Cr.No.72 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the the petitioner was painted her political party logo on the wall without any permission from the owner of the wall, which is against the election rules. When the Village Administrative Officer along with other officials tried to erase the painting, the petitioner prevented them and also scolded them with filthy language. Based on the complaint, the respondent police registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and the petitioner is no way connected in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner, without any permission from the house owner, she was painted political party's logo, due to which, a wordy quarrel arose between the petitioner and the Village Administrative Officer. When the officials tried to erase the same, the petitioner abused the officials in filthy language and prevented them not to do their duty and there are five previous cases against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made on either side, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate-II, Thiruppathur**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, 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 is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** as non-refundable deposit either through RTGS/NEFT or in cash or demand draft in favour of **the Dean, Rajiv Gandhi Government General Hospital, Chennai** for the treatment of COVID-19 patients, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

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

-sd/-
26/04/2021

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.II,
THIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT.(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
THIRUPPATHUR TALUK POLICE STATION,
THIRUPPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, CHENNAI.

5 THE DEAN,
RAJIV GANDHI GOVERNMENT GENERAL HOSPITAL,
CHENNAI.

+1 CC to M/S. E.KANNADASAN Advocate on payment of necessary
charges SR.No. 5305

CRL OP.7786/2021

Date :26/04/2021

RG.07.05.2021