

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9315 of 2021

Palanivel

... Petitioner

Vs.

The State rep.by its
The Inspector of Police,
Polur Police Station,
Tiruvannamalai District.
(Cr.No.363 of 2018)

...Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of his arrest in Crime No.363 of 2018 on the file of the respondent police.

For Petitioner : Mr.N. Chinnaraj

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 341, 294(b), 324, 307 and 302 of I.P.C r/w Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.363 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 09.05.2018 there was a dispute between two rival groups and the defacto complainant who is a Village Administrative officer visited the scene of occurrence and rescued the victims and admitted them in Government Hospitals. Thereafter, he lodged a complaint which led to registration of the case against more than 60 persons and the petitioner is one among them.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further no specific overt act has been attributed against the petitioner. He

further submits that many persons who have been arrested in the said case has been granted anticipatory bail by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) has not disputed with regard to grant of anticipatory bail to the persons who have been implicated in the above case.

5.Considering the facts of the case and the submissions made by the learned counsel appearing for 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Polur, Tiruvannamalai District 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 daily at 10.30 a.m for a period of two weeks and thereafter 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 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/-

14/06/2021

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,
POLUR, TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
POLUR POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.N.CHINNARAJ Advocate on payment of necessary charges

CRL OP.9315/2021

Date :14/06/2021

RVR 07/07/2021

WEB COPY