

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.10006 of 2021

K.Murugesan

... Petitioner

Vs.

The State, rep. by
Inspector of Police,
Namagiripet Police Station,
Namakkal District
(Crime No.476 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.476 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.W.Camyles Gandhi

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

O R D E R

(The case has been heard through video conference)

Lone accused in Crime No.476 of 2021 on the file of Namagiripet Police Station, Namakkal District is petitioner in the captioned Criminal Original Petition, which has been filed under Section 438 of 'The Code of Criminal Procedure, 1973', ('Cr.P.C.' for the sake of brevity) apprehending arrest by the respondent State for alleged offences punishable under Sections 341 and 506(ii) of the 'Indian Penal Code, 1860' ('I.P.C.' for the sake of brevity).

2. Heard Mr.W.Camyles Gandhi, learned counsel for petitioner and Mr.A.Gopinath, learned State Counsel on behalf of respondent.

3. Mr.W.Camyles Gandhi, learned counsel for petitioner submits that the petitioner is an elected Panchayat President. The defacto complainant is alleged to have violated the lock down by setting up a vegetable shop and it is submitted that the petitioner questioned the same. This has resulted in a false complaint is his say. It is also submitted that there is no adverse antecedents qua petitioner and there was no injury to anyone. In other words, it is submitted that it was only a wordy quarrel.

4. Mr.A.Gopinath, learned State Counsel (on instructions) submits that there is no disputation that there are no adverse antecedents qua petitioner and there is no disputation that there was injury to none or in other words there is no injury to anyone. It is also submitted that the vegetable shop was set up after obtaining necessary permission, but this Court refrains itself from going into any of those allegations and denials owing to the limited scope of captioned Crl.O.P which is under Section 438 of Cr.P.C.

5. This Court is informed by learned counsel for petitioner and the respondent State in unison that alleged offences under Section 506 (i) is both cognizable and non-bailable vide order dated 21.04.2010 in Crl.O.P.No.7452 of 2010 (P.Ramakrishnan -Vs- State) and a reference to this effect has also already been answered by a Honourable Division Bench of this Court.

6. Be that as it may, in the light of the narrative thus far, this Court is inclined to accede to the prayer for anticipatory bail albeit subject to conditions that would be adumbrated elsewhere infra in this order.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned Judicial Magistrate, Rasipuram, 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 jurisdictional Magistrate on or before 05.07.2021 or within a fortnight from the date of resumption of work of acceptance of sureties by the jurisdictional Magistrate whichever is later and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the Magistrate may direct production of their Aadhar cards or Bank pass Books to ensure / verify their identities;

(b) the petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witnesses either during investigation or trial;

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

(e) if there is breach of any of the aforesaid conditions, the learned jurisdictional 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 jurisdictional Magistrate/Trial Court itself as per P.K.Shaji principle being law laid down by Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];

and

(f) though obvious, it is made clear that if the accused / petitioner herein thereafter absconds, consequences ingrained in Section 229-A I.P.C. will follow wherever applicable.

-sd/-

08/06/2021

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,
RASIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NAMAGIRIPET POLICE STATION,
NAMAKKAL DISTRICT.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.No.6395

CRL OP.10006/2021

Date :08/06/2021

cs 17/06/2021



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