

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.11144 of 2021

1. Sankar
2. Senthil Kumar
3. Pazhani
4. Ravikumar
5. Mustaj Ahmed
6. Murali
7. A.K.Raja
8. Dilipkumar
9. Kamalakannan
10. Ramesh
11. Jagan

... Petitioners

Vs.

The State Represented by :-
Inspector of Police,
Vaniyambadi Town Police Station,
Thirupathur.
(Crime No.2078 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.2078 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.G.Vinoth Kumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 143, 269, 270, 353 of IPC read with Section 2,3 of the Epidemic Diseases Act and Section 51 (b) of the Disaster Management Act in Cr.No.2078 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 02.09.2020 a carton image was published in Dhinamalar newspaper by criticising a political leader and his wife. Regarding that A1 who belongs to the

said political party and others lodged a complaint against them. After lodged a complaint, they came out side and tried to burn the said newspapers. When the respondent police tried to prevent them, the accused persons never obeyed, without maintaining the social activity.

3.The learned counsel appearing for the petitioners submit that the petitioners have not been committed any offence as alleged by the prosecution and they are falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate submits that on 02.09.2020, the petitioners made a protest against the cartoon which was published in the said newspaper, without maintaining social distance never obeyed the words of the respondent police.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

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, Vaniyambadi, on condition that the petitioners shall execute separate 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 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;

(c)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 petitioners 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/-

30/06/2021

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,
VANIYAMBADI

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
VANIYAMBADI TOWN POLICE STATION,
THIRUPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.G.VINODHKUMAR Advocate on payment of necessary charges Sr.6966

CRL OP.11144/2021

Date :30/06/2021

RVR 13/07/2021

सत्यमेव जयते

WEB COPY