



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15227 of 2021

1 KALVIPRIYAN @ KALVIPRIYA NEEDHIRAJA [PETITIONERS / ACCUSED]
2 MADHAN
3 SENTHILKUMAR

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
THIRUTHURAIPOONDI TALUK
THIRUVARUR DISTRICT.
(CRIME NO. 1266 OF 2021)

For Petitioner : M/S.V.KASINATHA BHARATHI Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)
(IN CRL.OP.No.15227/2021)

For Respondent : M/S. A.GOPINATH, Govt. Advocate (Crl. Side)
(IN CRL.MP.No.8917/2021)

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 offences under **(*)Sections 147, 447, 294(b), 353 and 506(i) of IPC** in Crime No.1266 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, the petitioners and another accused trespassed into the premises of the de-facto complainant and assaulted him and also threatened him with dire consequences. Hence, the complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioners, without prejudice their rights, on their own volition, are ready and willing to contribute a sum of Rs.25,000/- for the purpose of improving and maintaining the Government Schools.

4. The learned Government Advocate (Crl.Side) submitted that one previous case is pending against A1 and there is no previous case pending against other accused. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering facts and circumstances of the case and also the submission made by the learned counsel for the petitioners, 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, Thiruthuraipoondi, on condition that the petitioners shall execute a 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) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners shall make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Chief Educational Officer, Thanjavur District, for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgement, without prejudice to their defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, shall accept the sureties furnished by the petitioners;

(c) 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;

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



(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;

(g) 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;

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

7. In the result, this Criminal Original Petition is ordered and the Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred for the improvement/rehabilitation of the Schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-

25/08/2021

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.

(*) Amended as per order of this court dated 08.09.2021 made in Cr1.MP.No.8917/2021 in Cr1.OP.No.15227/2021

TO

1 THE JUDICIAL MAGISTRATE,
THIRUTHURAIPONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]



3 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
THIRUTHURAIPOONDI TALUK
THIRUVARUR DISTRICT.

4 THE CHIEF EDUCATIONAL OFFICER,
THANJAVUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.V.KASINATHA BHARATHI Advocate on payment of necessary
charges

CRL OP.15227/2021

Date :25/08/2021

CSK 31/08/2021

APN 28/09/2021