

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.19632 of 2020

1.Senthilkumar

2.Sundar @ Sundaram

... Petitioners/Accused 1 & 2

Vs.

The State Rep. by
The Inspector of Police,
Namakkal Police Station,
Namakkal District.
(Crime No.1106 of 2020)

... Respondent / Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1106 of 2020 on the file of the respondent police.

For Petitioners : Mr.K.T.S.Sivakumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 3(1) of Tamil Nadu Prevention of Damage of Public Property Act 1984 (TNPPDL ACT), in Crime No.1106 of 2020, seek anticipatory bail.

2. The case of the prosecution is that on 08.11.2020, one Mrs.Vijayarani / the defacto complainant, the Special Thasildar for Cable TV, lodged a complaint before the respondent police stating that the 1st petitioner, who is a registered Cable TV Operator in Namakkal Town in and around area, disconnected the Network and damaged the cable wire fixed by the Government Cable TV Networks Ltd. Hence, the present complaint.

3. The learned counsel appearing for the petitioners would submit that there are totally four accused in this case, in which the petitioners are arrayed as A1 and A2. Due to business motive, a false complaint has been registered against the petitioners. They also filed an undertaking affidavit stating that they will not indulge in

any activities against the Government Cable TV Networks or disconnect the cable wire or set top box fixed by the Government Cable TV Networks Ltd. Therefore, he seeks for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are private network Cable TV Operators. Due to some business rivalry, the petitioners cut and removed the cables fixed by the Government Cable TV Networks Ltd. He would further submit that the petitioners have filed an undertaking affidavit stating that they will not indulge in any activities against the Government Cable TV Networks or disconnect the cable wire or Set top Box fixed by the Government Cable TV Networks Ltd.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

a) 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 No.I, Namakkal, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] 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.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

-sd/-
11/01/2021

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.I, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S K.T.S.SIVAKUMAR Advocate on payment of necessary charges SR.No.396

CRL OP.19632/2020

Date :11/01/2021

cs 20/01/2021

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