

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.Nos.19960 of 2020

1. Elumalai
2. Desingu
3. Boopalan
4. Mayakrishnan
5. Settu
6. Sagadevan
7. Dass
8. Sakthivel
9. Siva
10. Parthiban
11. Murugan
12. Prabavathy
13. Nandhini Priya

... Petitioners

Vs.

The State rep. by
Sub-Inspector of Police,
Thellar Police Station,
Thiruvannamalai Dt.
(Crime No.815 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of their arrest in Crime No.815 of 2020 pending on the file of the respondent.

For Petitioner : Mr.R.Bakayaraj

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners are arrayed as A1 to A13. They apprehend arrest at the hands of respondent police for the offence punishable under Sections 147, 188, 269, 342 and 353 of I.P.C. in Crime No.815 of 2020 and now, they have filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Inspector of Police in the respondent police station. When they went to the petitioners village to arrest some accused in another crime, all these petitioners have surrounded the police party, prevented them from discharging the duties and also abused them. Hence, the present complaint has been filed against the petitioners.

3. The learned counsel appearing for petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that when the respondent police went to the petitioners village to arrest some accused in another crime, all these petitioners have prevented them from discharging their duties and also abused them. Hence, he opposed to grant bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioners as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following 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 at Vandavasi, Thiruvannamalai District, 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, 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 1 to 11 shall appear before the respondent police daily at 10.30 a.m. for the period of two weeks;

[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.

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

-sd/-

20/01/2021

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,
VANDAVASI, THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
THELLAR, POLICE STATION,
THIRUVANNAMALAI.

CC to M/S R.BAKYARAJ Advocate on payment of necessary charges

CRL OP.19960/2020

Date :20/01/2021

MN-29/01/2021

<https://hcservices.ecourts.gov.in/hcservices/>