

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20152 of 2020

1.Maniraja
2.Thangaraj
3.Rathinam
4.Surya
5.Suresh @ SURESHKUMAR ... Petitioners/ Accused 1 to 5

Vs

The State, represented by,
The Inspector of Police,
Mecheri Police Station,
Salem District.
(Crime No.841 of 2020) Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest by the respondent police concerned with Crime No.841 of 2020, on the file of the Inspector of Police, Mecheri Police Station, Salem District.

For Petitioners : Mr.M.Vinoth

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners were arrayed as A1 to A5. The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 147, 341 and 353 of IPC, in Crime No.841 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Village Administrative Officer and it is the allegation that while the defacto complainant along with revenue officials are trying to survey and mark the pathway, which was grabbed by the petitioners, at that time, the petitioners have waylaid and disturbed their official duty. Hence the present complaint.

3. The learned counsel appearing for the petitioners would submit that they have not involved any offences as alleged by the defacto complainant and the respondent police and he further submitted that they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there is no previous case pending against the petitioners. He would further submit that while measuring the land, the petitioners have waylaid and disturbed the officials in performing their duty. Hence, he opposed for grant of bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant 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-II, Mettur, 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:

[a] 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.

[b] the petitioners shall appear before the respondent police 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].

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

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

-sd/-

07/01/2021

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.II, METTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM.

CC to M/S M.VINOTH Advocate on payment of necessary charges
Sr.280

CRL OP.20152/2020

Date :07/01/2021

RVR 20/01/2021

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