

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.20558 of 2020

1.D.Natarajan
2.E.Balakrishnan
3.S.Karunakaran
4.A.Babu
5.K.Stalin
6.T.Arasan

... Petitioners

Vs.

The State Rep. by
The Station House Officer
N.T Police Station, Cuddalore
(Crime No.1252 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1252 of 2020 on the file of the respondent police.

For Petitioners : Mr.Stalin Abhimanyu

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

O R D E R

(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 143, 341, 294(b), 332, 353 and 506(ii) IPC and Section 4 of TNPWH Act in Crime No.1252 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Devanathan, Grade-I, Sub Inspector of Police attached to the respondent police station is that, on 01.12.2020, the petitioners along with 50 others gathered before the Head Post Office, Cuddalore and resorted to a picketing form of protest against the Farm Laws and in support of the agitating farmers in Delhi and throughout the nation without obtaining permission. The further allegation is that, when the respondent police attempted to prevent them, they behaved in a rude manner and also assaulted the police personnel, due to which, five men police constables and four women police constables were injured.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners belong to a political party and they were protesting

against the Farm Laws in support of the agitating farmers in Delhi and throughout the nation in a democratic manner and it was only the police personnel who tried to give a different colour to suit political interest, behaved in a rude and unlawful manner to them. He would further submit that the petitioners have not assaulted the police personnel as alleged by the prosecution. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently opposed to enlarge the petitioners on bail on the ground that the petitioners along with 50 others without obtaining permission from the police authority, resorted to a picketing form of protest against the Farm Laws, in support of the agitating farmers in Delhi and throughout the nation. He would further submit that when the police were attempted to prevent them, they have also assaulted the police personnel, due to which five men constables and 5 women constables were injured.

5. Taking into consideration of the facts and circumstances of the case, as the petitioner only conducted as agitation, no person injured in this 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, Additional Mahila Court, Cuddalore, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 until further orders.

[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/-

05/01/2021

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,
THE ADDITIONAL MAHILA COURT,
CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER
N.T.POLICE STATION,
CUDDALORE.

CC to M/S.STALIN ABHIMANYU Advocate on payment of necessary charges Sr.98

CRL OP.20558/2020

Date :05/01/2021

RVR 20/01/2021