



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.11.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21347 of 2021

B.Baskaran

... Petitioner

Versus

State Rep by
The Inspector of Police
Edaiyur Police Station,
Thiruvarur District.
(Crime No.167 of 2018)
(C.C.No.42 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of apprehending arrest in C.C.No.42 of 2021 pending on the file of Learned Judicial Magistrate Court, Thiruthuraipoondi in Crime No.167 of 2018 on Respondent Police.

For Petitioner : M/S.P.Muthamizh Selvakumar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences under section 147, 148, 506 (i) Indian Penal Code in C.C.No.42 of 2021 pending on the file of Learned Judicial Magistrate Court, Thiruthuraipoondi in Crime No.167 of 2018 on Respondent Police seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the head of Temple management of the concerned temple and all other accused are alleged to have barged into the temple and claiming management of the temple. Hence, the defacto complainant lodged a complaint against the petitioner.



3.The learned counsel appearing for the petitioner submits that the petitioner is no way connected with the occurrence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that on 28.10.2021, the petitioner received the summons from the learned Judicial Magistrate Court, Thiruthuraipoondi mentioning that the case has been taken on the file C.C.No.42 of 2021 and the same was pending and directed the petitioner to appear before the learned Court on 06.12.2021. After receiving the same, the petitioner duly inquired about the same before the respondent station and came to know that the case in Cr.No.167 of 2018 has been registered by the respondent police and completed the investigation. He furthermore submits that before registering the case, the respondent police never been issued any summons to the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that the petitioner is avoiding the trial proceedings and charge sheet has been filed and investigation has been completed.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner and the petitioner is directed to co-operate with the trial court and shall appear before the trial court on every Friday without fail.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Thiruthuraipoondi on condition that the petitioner shall execute a 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) the petitioner and 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;

(b) the petitioner is directed to appear before the trial court on every Friday at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

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

-sd/-
15/11/2021

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 COURT,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
EDAIYUR POLICE STATION,
THIRUVARUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.MUTHAMIZH SELVAKUMAR Advocate on payment of
necessary charges SR.NO.12809

CRL OP.21347/2021

Date :15/11/2021

JPA 23/11/2021