



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.21565 of 2021

S.Vijay

....Petitioner

Vs

State rep by its:

...Respondent

Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District.
Crime No: 935 of 2021

Prayer: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in the event of the arrest in Crime No.935 of 2021 on the file of the Inspector of Police, Thirukoilur Police Station, Kalakurichi District.

For Petitioner : Mr.M.Vidhyasagar

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 323, 448, 427 and 506(ii) of IPC r/w 3(1) of TNPPDL, in Crime No.935 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 12.10.2021, the petitioner along with other accused went to the defacto complainant house had a wordy quarrel with him due to local body election. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and due to election motive, a false case has been foisted against him. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate appearing for the respondent police raised objection and submitted that the petitioner has 5 previous cases and he is a retired person from communist party and the investigation is almost completed and all the accused are absconding.

5.As per the counsel for the petitioner, due to election motive the FIR has been registered against the petitioner. Considering the facts and circumstances of the case and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 learned Judicial Magistrate, Thirukovilur, 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 shall appear before the respondent police weekly once i.e. 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.

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-sd/-

17/11/2021

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,
THIRUKOVILUR

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
THIRUKOILUR POLICE STATION,
KALLAKURICHI DISTRICT.

CC to M/S. M.VIDHYASAGAR Advocate on payment of necessary charges Sr.12973

CRL OP.21565/2021

Date :17/11/2021

RVR 22/11/2021