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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2021

CORAM:

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

CrI.O.P.No.22326 of 2021

1.Ramasamy ... Petitioners
2.Alamelu
3.Lenin
4.Govindan
5.Seva
6.Anjamani
7.Mani

Vs.

State Represented by ... Respondent
The Inspector of Police,
Thirukovilur Police Station,
Kallakurichi and 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/accused on bail in the event on their arrest by the respondent police in Crime No.935 of 2021, under Sections 147, 148, 294(b), 352, 427, 448, 506(ii) of IPC, r/w 3 (1) of TNPPD Act, on the file of the respondent police.

For petitioners : Mr.V.Gunasekar

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 352, 427, 448, 506(ii) of IPC, r/w 3 (1) of TNPPD Act, in Crime No.935 of 2021, seek anticipatory bail.

2.Heard both sides.



3.The case of the prosecution is that the defacto complainant was doing election work in his native place, the 2nd petitioner was contesting the local body election as a Union Counsellor Candidate and in the result, the second petitioner lost the result. Hence, the petitioners jointly quarrelled with the de facto complainant and attacked the petitioners and damaged household articles worth about Rs.50,000/-. Hence, this complaint.

4.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Hence, they pray for grant of anticipatory bail.

5.The learned Government Advocate would submit that the investigation is almost completed and no one injured. He would state that there are no previous cases pending against these petitioners.

6.Taking into consideration the nature of allegation and also that there is no specific overt act against the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is 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, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police every Wednesday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

[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].



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

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-sd/-
25/11/2021

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 INSPECTOR OF POLICE
TIRUKOVILUR POLICE STATION,
KALLAKURICHI,
KALLAKURICHI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. V.GUNASEKAR Advocate on payment of necessary
charges SR.NO.13585

CRL OP.22326/2021

Date :25/11/2021

CSK 30/11/2021