



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24911 of 2021

Azhagu alias Rajendiran

... Petitioner

Versus

The State represented by
The Inspector of Police,
Jalakandapuram Police Station,
Salem District.
(Crime No.389 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to grant an anticipatory bail to the petitioner in event of his arrest in Crime No.389 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.B.Sundarapandiyan

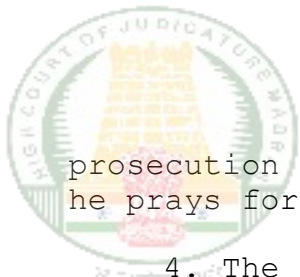
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 341, 353, 323, 379 and 511 of IPC in Crime No.389 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that one Kennadi, working as Village Assistant, Selavadai Group Village, Omalur Taluk, Salem District lodged a complaint dated 04.12.2021 to the respondent police alleging that on 03.12.2021 he got instruction from the Village Administrative Officer that some persons have took sand from the Amman Koil Odai with the help of JCB vehicle. Based on his instruction the defacto complainant went to the said occurrence spot and restrained the accused person from taking the sand. During that time the petitioner beaten the said Kennadi and thereafter escaped from the spot. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the



prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner seized the sand with the help of JCB vehicle. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, 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 before the learned Judicial Magistrate No.2, Mettur, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the Registered Advocate Clerk Association, Omalur District within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioner and 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 petitioner is directed to report before the respondent police daily at 10.30 a.m., until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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.

WEB COPY

-sd/-

20/12/2021

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 INSPECTOR OF POLICE,
JALAKANDAPURAM POLICE STATION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE
CLERK ASSOCIATION,OMALUR DISTRICT.

CC to M/S B.SUNDARAPANDIYAN Advocate on payment of necessary charges SR.NO.15169

CRL OP.24911/2021

Date :20/12/2021

RVR 23/12/2021