



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24933 of 2021

G.Devarajan

... Petitioner

Versus

The State represented by
The Inspector of Police,
K-5, Peravallur Police Station,
Chennai - 600 082.
(Crime No.1569 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.1569 of 2021 on the file of the respondent police.

For Petitioner : Mr.P.Meenakshi Sundharam

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b) & 353 of IPC in Crime No.1569 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that there was wordy quarrel between the petitioner and the respondent police. He filed Public Interest Litigation in Peravallur for encroachment in Peravallur Eri and Vannan Kuttai, landscape of total 300 acres of water body vide W.P.No.12858 of 2021 and the interim order was passed on 18.06.2021 and the case is still pending before this Court. The respondent police is also the 7th respondent in the said writ petition. It is pertinent to mention here on 28.11.2021, due to rain the entire surroundings were flooded. Hence the petitioner along with public questioned the authorities. Hence because of the wordy quarrel between the petitioner and the respondent police, henceforth the respondent police reported the present FIR against the petitioner with the intention to spoil the



reputation and the social activity of the petitioner. 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 there is some wordy quarrel. 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 V Metropolitan Magistrate Court, Egmore, Chennai**, 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 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;

(b) the petitioner shall report before the V Metropolitan Magistrate, Egmore, Chennai on every Monday and Friday for the period of three months and thereafter as and when requires 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]; and;

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

-sd/-
22/12/2021

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 METROPOLITAN MAGISTRATE,
NO.V, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSEPCTOR OF POLICE,
K-5, PERAVALLUR POLICE STATION,
CHENNAI-600 082.

+2 CC to M/S.P.MEENAKSHI SUNDHARAM Advocate on payment of
necessary charges SR.NO.15314

CRL OP.24933/2021

Date :22/12/2021

TA-27/12/2021