



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENTHI

Crl.O.P.No.26014 of 2021

Saravanan @ Kottai Saravanan

...Petitioner

Versus

The State
Rep by the Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District.
(Crime No.1381 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 in Crime No.1381 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.D.Kumaralingam

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 353, 307 & 506(2) of IPC r/w Section 3 of TNPPDL Act r/w section 7(3) TNLR Act, in Crime No.1381 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 13.11.2021, during the enquiry in another Crime No.1308 of 2021, one Gajendran who is alleged to have engaged in selling of lottery tickets among the General Public, abused the defacto complainant, who is the head constable of the respondent police and damaged the two-wheeler and threatened him. Hence, the complaint was registered.

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. However, to show his bona fide, he is prepared to pay a sum of Rs.10,000/- to any organization as directed by this Court.



4. The learned Additional Public Prosecutor submitted that there are totally 17 accused persons involved in this case and the petitioner is arrayed as A17. He further submitted that the petitioner along with other accused persons have sold the banned lottery tickets in Tamilnadu and the accused No.1 to 5 have been arrested. Based on the confession of co-accused, the petitioner has been implicated in this case. He further submitted that the petitioner along with other accused persons have also assaulted the police officials and damaged their vehicles. He further submitted that the petitioner has no previous case pending against him.

5. Considering the facts and circumstances of the case and also the fact that there is no previous case and the petitioner is willing to pay a sum of Rs.10,000/-, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) in favour of the District Green Committee, Villupuram, without prejudice to his rights and contentions before the trial Court and produce the receipt / acknowledgement before the learned Judicial Magistrate-I, Villupuram.

6. The District Green Committee, which was formed as per the Government Order in G.O.Ms.No.39, Environment, Climate Change and Forest (FR.13) Department, dated 02.07.2021, pursuant to the directions of this Court in W.P.No.11094 of 2021, shall utilize the amount paid by the petitioner for plantation of trees on either side of the road, tree guard, drip irrigation, manure, etc., with public participation, including, NGOs, Confederation of Industries, Rotary Clubs, Lions Clubs, School Students, College Students, Self Help Groups, labours under MGNREGS and any other volunteers, etc., to achieve 100% survival rate of the planted trees. The State Green Committee shall extend their support in this regard by recommending the correct variety / species of trees, in accordance with the soil type and climatic conditions and also for the maintenance. The maintenance of the trees planted has to be reviewed by the District Green Committee and necessary appreciations have to be made to the stakeholders concerned in the form of certificates.

7. On production of receipt / acknowledgement for having paid the amount before the District Green Committee, 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-I, Villupuram, 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 learned Magistrate concerned and on further conditions that:



[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

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

[d]the petitioner shall not abscond either during the 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

29/12/2021

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.I, VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
VILLUPURAM TALUK POLICE STATION,
VILLUPURAM DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

CC to M/S. D.KUMARALINGAM Advocate on payment of necessary
charges Sr.28

CRL OP.26014/2021

Date :29/12/2021

RVR 03/01/2022