



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.408 of 2022

1.Kalaimani
2.Ayyappan
3.Muthupandi

...Petitioners

Versus

State rep by its,
Inspector of Police
Neyveli Thermal Police Station,
Cuddalore District.
(Crime No.279 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of her arrest in Crime No.279 of 2021 pending investigation on the file of the respondent police.

For petitioners : Mr.S.C.Vishwanth

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(This case has been heard through Video Conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under section 147,148, 341, 294(b) of IPC r/w.Section 3,4 of TN Public Property (Prevention of Damages and Loss) Act, in Crime No.279 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other villagers conducted Dharna following which they had set fired some of the lorries. It is alleged that mere about 10 lorries were damaged. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.



However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.10,000/- (Rupees Ten Thousand) each for the purpose of improving and maintaining the Government Schools.

4.The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioners and the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that the investigation completed and there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions..

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the Learned District Munsif cum Judicial Magistrate, Neyveli on condition that the petitioners shall execute a separate 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)if the petitioners failed to surrender before the concerned Magistrate within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, this order shall stand automatically cancelled;

(b) the petitioners shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of the Chief Educational Officer, Cuddalore District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgement, without prejudice to her defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, who after perusing the challan/ receipt/acknowledgement, shall accept the sureties furnished by the petitioners;

(c)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;

(d)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;



(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

7. In the result, this Criminal Original Petition is ordered and the Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred for the improvement/rehabilitation of the Schools in the District before the Commissioner of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-

10/01/2022

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NEYVELI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NEYVELI THERMAL POLICE STATION,
CUDDALORE DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CHIEF EDUCATIONAL OFFICER
CUDDALORE DISTRICT.

+1CC to M/S.S.C.VISHWANTH Advocate on payment of necessary
charges SR.No.509

CRL OP.408/2022

Date :10/01/2022

CSK 20/01/2022