



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1864 of 2022

1.Sudhirmurugan
2.Gopinath
3.S.C.Rajendran
4.Balasubramanian
5.Ravi
6.Kalaiselvan
7.Kumar
8.Hariraman

... Petitioners

Versus

State of represented by
The Inspector of Police,
Jalakandapuram Police Station,
Salem.
(Crime No.03 of 2022)

... 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 their arrest in Crime No.03 of 2022 on the file of the respondent.

For Petitioners: Mr.M.Soundar Vijay Arul Ram

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

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 143, 341, 353 and 506(i) of IPC in Crime No.03 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 03.01.2022 Village Administrative Officer of Aavaduthur lodged a complaint before the respondent stating that the petitioners belonging to Bharatiya Janata



Party, without any permission had made foundation for the flag post at Mariyamman Kovil Street. On 10.12.2021 the flag post was removed in the presence of Revenue Officials and thereafter on 03.01.2022 the petitioner along with some others protested for removal and laying of the flag post in the same area and also insisted the authorities to grant permission for the same. The executive officer had intervened and assured that after obtaining permission from the superiors the same place will be allotted for erecting the flag post. 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. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioners without obtaining permission they attempted to install the flag post for BJP, after that the post now removed, investigation almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed 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 Judicial Magistrate - II, Mettur, on condition that the petitioners 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 petitioners shall report before the respondent police on every Saturday at 10.30 a.m., until further orders;

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

(d) the petitioners 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 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;

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

-sd/-

28/01/2022

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 JUDICIAL MAGISTRATE,
NO.II, METTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
JALAKANDAPURAM POLICE STATION,
SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of necessary charges

CRL OP.1864/2022

Date :28/01/2022

RW 07/02/2022