



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2064 of 2022

Dilli

... Petitioner

Versus

State of Tamil Nadu represented by
The Inspector of Police,
Arakkonam Taluk Police Station,
Ranipet District.
(Crime No.32 of 2022)

... 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.32 of 2022 on the file of the respondent police pending investigation.

For Petitioner : Mr.K.Kathiresan

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

For Intervenor : Mr.Vigneswaran, Mr.P.Manoj Kumar

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 353, 506(1) of IPC r/w Section 4 of TN Prohibition of Harassment of Women Act, 2002 and Section 3(2) of TN Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.32 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 12.01.2022 the accused who has drill the earth for Bore water and used the JCB and made pit to an extent of 300 Meter on the Public road belongs to the Arikilapaadi Village Panchayat and also scolded the defacto complainant in front of village peoples. The accused was an advocate by profession and he also belongs to a political party. The defacto



complainant belongs to another political party. The complaint given against the accused is solely based on the political motive. 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 political motive. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the Intervenor raised objection stating that he is the ஊராட்சி மன்ற செயலாளர் without permission he admitted to take borewell in the land belonging to the Panchayat and cost near about Rs.20,000/- to the Panchayat.

6. Considering the facts and circumstances of the case, that the petitioner belongs to a political party, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his 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 Court, Arakkonam, 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.10,000/- (Rupees Ten Thousand only) to the credit of the Crime No.32 of 2022 and the petitioner shall not caused any interference to the Panchayat Board 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 on every Tuesday and Saturday 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.

-sd/-

01/02/2022

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,
ARAKKONAM.

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

3 THE INSPECTOR OF POLICE,
ARAKKONAM TALUK POLICE STATION,
RANIPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. K.KATHIRESAN Advocate on payment of necessary charges SR.NO.1554

CRL OP.2064/2022

Date :01/02/2022

RW 03/02/2022