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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2449 of 2022

Prabu

...Petitioner

Versus

The State represented by
The 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 petitioner on bail in the event of his arrest pending investigation in Crime No.279 of 2021 on the file of the Inspector of Police, Neyveli Thermal Police Station, Cuddalore District.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)
Dated:03/02/2022

MR.L.Baskaran, Govt. Advocate (CRL. SIDE)
CRL.MP.NO.2383/2022 IN CRL.OP.NO.2449/2022
Dated :28/02/2022

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 341, 294(b) of IPC r/w Sections 3 and 4 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.279 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 11.08.2021 the defacto complainant gave the complaint before the respondent police. On 11.08.2021 there was an accident in Melakuppam road and said accident one Govindan was died and his wife have severe injury. The petitioner and other villagers conducted road roko and set fire on 10 lorries worth about Rs.1,20,00,000/-. Hence, the complaint.



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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 was an accident in Melakuppam road and said accident one Govindan was died and his wife have severe injury. 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 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 **(*)District Cum Judicial Magistrate, Neyveli**, 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 respondent police on every Tuesday at 10.30 a.m., until further orders;

(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 2FIR can be registered under Section 229-A IPC.

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03/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

(*)Amended as per order of this court dated 28/02/2022 made in CRL.MP.NO.2383/2022 IN CRL.OP.NO.2449/2022.

TO

**(*)1 THE DISTRICT CUM JUDICIAL MAGISTRATE,
NEYVELI.**

2 THE DISTRICT CUM JUDICIAL MAGISTRATE,
VRIDHACHALAM.

3 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.M.SELVAM Advocate on payment of necessary charges
SR.NO.3083

CRL OP.2449/2022

Date :03/02/2022

TA-11/02/2022

CSK 08/03/2022