



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty Second day of February Two Thousand Twenty Two
PRESENT

WEB COPY

The Hon`ble Mr Justice R. PONGIAPPAN
CRIMINAL ORIGINAL PETITION No.3664 of 2022

M.AVVAI @ AVVAI NACHIYAR [PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE (LAW AND ORDER),
S-4, NANDAMBAKKAM POLICE STATION.
KANCHEEPURAM

For Petitioner : M/S.M.GANESAN Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 143, 147, 294(b), 447 and 506(2) of IPC r/w Section 3 of the Tamil Nadu Public Property (Prevention of Damage and loss) Act, 1992, in Crime No.219 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that, the petitioner and other accused assembled together and agitated as against the Government, in respect of taking possession of the land. It is also alleged that they damaged the fence and also abused the Government Officials with filthy language. Hence, the present case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. However, he is ready to abide any condition as imposed by this Court. He would further submit that during the relevant point of time, the petitioner agitated the action taken by the Government officials. In otherwise, no specific overt-act is against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent Police raised objection stating that the investigation is pending. However, he admits that in the alleged occurrence 17 members have been participated and agitated against the Government Order passed in respect of taking the possession of land, which was situated near to the land possessed by the petitioner.

5. Submissions made by the learned Counsels on either side are considered.

6. The respondent police registered a case against the petitioner for the offences punishable under Sections 143, 147, 294(b), 447 and 506(2) of IPC r/w Section 3 of the Tamil Nadu Public Property (Prevention of Damage and loss) Act, 1992. There is no specific averment that during the time of occurrence, the petitioner damaged the property. The whole case projected by the prosecution is that the petitioner is one of the member, who participated in the agitation.

7. Taking note of all the above said aspects into consideration and having regard to the nature of the offence committed by the petitioner, this Court came to the conclusion that for the completion of investigation, custodial interrogation of the petitioner may not be necessary in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, 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, Kancheepuram District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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) the petitioner and 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;

(b) the petitioner shall report before the respondent police on every 10.00 a.m., for a period of thirty (30) days and thereafter as and when required for interrogation.

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

-sd/-

22/02/2022

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,
KANCHEEPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE (LAW AND ORDER),
S-4, NANDAMBAKKAM POLICE STATION,
KANCHEEPURAM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.GANESAN Advocate on payment of necessary charges

CRL OP.3664/2022

Date :22/02/2022

RVR 24/02/2022