



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5687 of 2022

1 KALIDAS [PETITIONERS / ACCUSED]
2 ARAVIND RAMACHANDRAN
3 N.SEKAR @ GUNASEKARAN
4 RAM PRABHU UTHIRAPATHI
5 KUMAR @ KUMAR PERUMAL
6 KATHIRAVAN
7 KAMAL SUBRAMANIAM

Vs

STATE REP BY ITS [RESPONDENT]
THE INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION,
TIRUVARUR DISTRICT.
(CRIME NO.46 OF 2022)

For Petitioners : M/S.C.IYYAPPARAJ Advocate

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

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent Police for the alleged offences under Sections 147, 148, 341, 294(b), 427, 506(ii) of IPC and Section 3(1) of TN Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.46 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The petitioners herein seven in number are before this Court seeking anticipatory bail. According to the prosecution, these petitioners and others on 22.02.2022, stopped the defacto complainant and others and threatened them with dire consequences and also damaged the Innova car bearing registration No.TN 45 CC 0999, in which the defacto complainant was travelled.



3. According to the petitioners, the case was registered due to political rivalry, immediately after counting of local body election was over and the case has been filed to prevent the petitioners from participating in the Chairman and Vice-chairman election.

4. The tillite evidence furnished by the defacto complainant indicates that on 22.02.2022, at about 13 hours, the petitioners under the leadership of Kalidas, Meeramaiden and Gunasekaran had gathered together and restrained the defacto complainant and others who were travelling in the Innova car bearing registration Nos. TN 45 CC 0999 & TN 49 AK 7666 and attacked them with iron rod, beer bottles and stones. Being inferiority by the fact that the candidates supported by them got defeated in the election and intention to cause death of the defacto complainant, they damaged the Innova car bearing registration No. TN 45 CC 0999. The evidence clearly indicates that these petitioners had attacked the defacto complainant with intention to kill him and in fact, they have damaged the car. However, no injury caused to the defacto complainant.

5. Considering the above facts, 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 seven days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Mannargudi, on condition each of that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand Only), with two sureties, each for a like sum to the satisfaction of the learned Magistrate, failing which the anticipatory bail shall stand canceled automatically without any reference to this Court, and on further condition that:

(a) each of the petitioners shall deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) to the credit of Crime No.46 of 2022 on the file of the respondent police and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioners. The final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

(b) the petitioners 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;

(c) the petitioners shall appear before the Investigating Officer daily at 10.30 a.m., until further orders.



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

(e) the petitioners 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 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;

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

-sd/-
15/03/2022

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, MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.IYYAPPARAJ Advocate on payment of necessary charges SR.NO.3946

CRL OP.5687/2022

Date :15/03/2022

JPA 21/03/2022