



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.6220 of 2022

R.S.RAJESH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
B-1, NORTH BEACH POLICE,
CHENNAI.
CR.NO.79/2022.

[RESPONDENT]

For Petitioner : M/S. E.BALAMURUGAN Advocate

For Respondent : M/S.A.GOKULAKRISHNAN, Additional Public Prosecutor

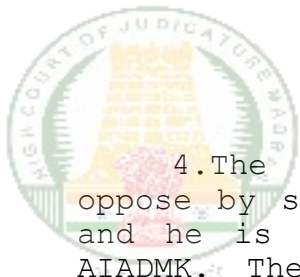
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 143, 188, 290, 341 of IPC and Section 4A(1b) Tamilnadu Open Places (Prevention of Disfigurement Act) and Section 71A(1) of Tamilnadu City Police Act, 1888 in Cr.No.79 of 2022 seeks anticipatory bail.

2. The case of the prosecution is that on 28.02.2022, at about 10.30 a.m., the petitioner along with 3000 AIADMK party members had illegally gathered near Rajaji Salai, Narayanappa Street Junction and raised voice against the arrest of the Former Minister Mr.D.Jayakumar without proper permission and caused inconvenience to the public. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Since, he happens to be the political functionary belonging to AIADMK and the former Minister belonging to the petitioner's party was illegally arrested in a case, the former Ministers and MLAs along with the petitioner herein have conducted protest and they have not committed any offences.



4.The learned Additional Public Prosecutor would vehemently oppose by stating that the petitioner is the member of AIADMK Party and he is the District Secretary for North Chennai North East in AIADMK. The petitioner along with the former Ministers and MLAs belonging to AIADMK Party were arrested in connection with Cr.No.81 of 2022 has been registered by the H3, Thandiyarpur Police Station. He would further submit that the petitioner who belongs to the AIADMK political party along with the other cadres have blocked the road and caused inconvenience to the public by disobedience of order duly promulgated by public servant. He would submit that the investigation is still pending.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor and perused the entire materials available on record.

6.Taking into consideration the facts of the case and the submissions made by the counsels, this Court is of the opinion that it is not a case registering custodial interrogation of the petitioner. In view of the above, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the **Learned XVth Metropolitan Magistrate, George Town, Chennai**, 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 and on further condition that:

(a)the petitioner and the sureties shall affix his 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 daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.**

(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 has 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.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
18/03/2022

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 METROPOLITAN MAGISTRATE,
NO.XV, GEORGE TOWN, CHENNAI-I.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR
INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B1, NORTH BEACH POLICE,
CHENNAI.

+1 CC to M/S. E.BALAMURUGAN Advocate on payment of necessary charges SR.NO.4157

+1 CC to PUBLIC PROSECUTOR, on payment of necessary charges SR.NO.4243

CRL OP.6220/2022

Date :18/03/2022

TA-22/03/2022