



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.6225 & 6230 of 2022

M.Sathishkumar ... Petitioner in Crl.O.P.No.6225/2022
A.T.Arasu @ Thirunavukkarasu ... Petitioner in Crl.O.P.No.6230/2022
Vs.

State Rep by ... Respondent in both Crl.O.P's
The Inspector of Police,
N-1, Royapuram Police Station,
Chennai.

PRAYER in Crl. OP.No.6225 of 2022: Criminal Original petition is filed under Section 438 of Criminal Procedure Code, to enlarge the Petitioner on Anticipatory Bail in the event of arrest in N-1 Royapuram Police Station, Crime No.112 of 2022.

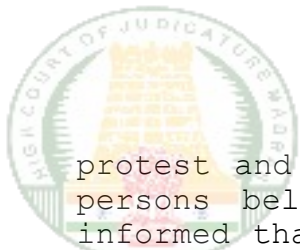
PRAYER in Crl. OP.No.6230 of 2022: Criminal Original petition is filed under Section 438 of Criminal Procedure Code, to enlarge the Petitioner on Anticipatory Bail in the event of his arrest pending investigation in Crime No.112 of 2022 on the file of the respondent police.

For Petitioner in both Crl.O.P's : Mr.E.Balamurugan
For Respondent in both Crl.O.P's : Mr.A.Gokulakrishnan
Additional Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed seeking to enlarge the Petitioners on Anticipatory Bail in the event of their arrest pending investigation in Crime No.112 of 2022 on the file of the respondent police.

2. The case of the prosecution is that on 19.02.2022, when the defacto complainant was on bundobust duty for the local election, mob numbering about 95 men and 15 women at 16.20 hours had conducted



protest and road roko to release the car, which is detained by the persons belonging to DMK party. When the defacto complainant had informed that no permission was given to conduct the road roko, they were refused to disperse from the place in violation of pandemic rules. The respondent police lodged a complaint against them and based on that a case was registered by the respondent police in Crime No.112 of 2022 for the offence under Section 188, 269, 270 of IPC and 41(6) (a) of TN City Police Act, 1888.

3.The learned counsel for the petitioners would submit that the petitioners are belonging to AIADMK Party and they have been falsely implicated in this case, due to political animosity. He would further submit that the car was belonging to former Ex-Minister and it was illegally detained by the members of the DMK party. Despite request, the car was not released, thereby the Petitioners conducted protest other than that they have not indulged in any violations of the pandemic rules. He would reiterate that no other incident had happened at that time and there are no previous cases against the petitioners. Thereby, he would seeks to enlarge the petitioners on Anticipatory Bail.

4.Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that the petitioners, who are the members of the political party, had conducted road roko without getting prior permission and the respondent had instructed them to disperse from the place, however, the petitioners have violated the pandemic protocol rules. Thereby, the respondent police had registered a case in Crime No.112 of 2022.

5. Heard both sides and perused the materials available on record.

6. The petitioners are persons belonging to the AIADMK party. They have protested during the local body elections without getting prior permission. Due to the violation of the pandemic rules, the respondent had registered a case against the petitioners.

7.Taking into consideration the fact that no other violations have been done by the petitioners and no previous case is pending against them, this Court is of the opinion that Anticipatory Bail may be granted to the petitioner with some conditions.

8.Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days, before the learned XV Metropolitan Magistrate Court, George Town at Chennai, on condition that the petitioners 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 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;

(b) the petitioners shall report before the respondent police on every day at 10.30 am for a period of two weeks and thereafter as and when required;

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

(d) the petitioners 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 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** reported in **[(2005) AIR SCW 5560]** and;

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

9. With the above direction, these Criminal Original Petitions stand allowed.

-sd/-
22/03/2022

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.

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



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
N-1, ROYAPURAM POLICE STATION,
CHENNAI.

+2 CC to M/S. E.BALAMURUGAN Advocate on payment of necessary
charges SR.NO.4247, 4246

+2 CC to THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS. SR.NO.4329,
4330

CRL OP.6225 & 6230/2022

Date :22/03/2022

TA-23/03/2022