

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15882 of 2022

PRABU

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
OMALUR POLICE STATION,
SALEM DISTRICT.
CRIME NO. 192 OF 2022.

[RESPONDENT]

For Petitioner : M/S. C.PRABAKARAN Advocate

For Respondent : M/S.A.DAMODARAN, 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 offences punishable under Sections 341 of IPC and Sec. 3(1) of TNPPD Act, 1992 altered to 341, 285, 120(B) of IPC and 3(1) of TNPPDL Act, 1992 in Crime No.192 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons were involved in raising slogans, agitating in the middle of the road and had pelted stones and damaged the windshield of the public transport bus and thereby, they had damaged to the tune of Rs.11,500/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and only based on the confession statement of A-1, he has been implicated in this case. He further submit that A-1, A-2, A-4, A-5 and A-6 were arrested and released on

bail by this Court in CrI.O.P.No.12096 of 2022. However, on instructions, he would submit that the petitioner is ready to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of crime No.192 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that petitioner along with other accused persons raised slogans, burned the tires, thrown stones and damaged the windshield of the public transport bus and damaged to the tune of Rs.11,500/-. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of crime No.192 of 2022, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate Court, Omalur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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 petitioner and the blood related 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of crime No.192 of 2022, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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].

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

08/07/2022

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,
OMALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 INSPECTOR OF POLICE,
OMALUR POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. C.PRABAKARAN Advocate on payment of necessary charges SR.NO. 11076

CRL OP.15882/2022

Date :08/07/2022

RW-13/07/2022