



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25661 of 2021

1.Sudhakar @ Murugavel
2.Karthikeyan

... Petitioners

Versus

State represented by
The Station House Officer,
Muthandikuppam Police Station,
Cuddalore District.
(PRC.No.35 of 2019)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in connection with the PRC.No.35 of 2019 pending committal on the file of the Judicial Magistrate No.1, Cuddalore.

For Petitioners : Mr.K.Gandhikumar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 341, 294(b), 324, 326, 506(ii) and 307 of IPC, 307 r/w 149, 307 of IPC r/w 109 of IPC and Section 3 of TNPPD Act in PRC.No.35 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that on 23.01.2016 the defacto complainant gave a complaint before the respondent police stating that he and other party cadres were went in Two to Kullanchavadi Police Station and gave a complaint against the TVK party people for attacking for his party cadre. Since the TVK party leader conducted a meeting in his house and directed his party people to attack and commit murder of PMK party peoples, the TVK party people were attacked out PMK party persons at Kullanchavadi Police limit. After giving complaint all were proceeded to Kadampuliyur Police Station to give complaint against TVK party people for assault on Dalith Sakthivel while nearing to National College, Neyveli Arch gate, the



persons belongs to Puliyur Kattusagai persons were came with Innova and Tata sumo cars and waylaid our cars and attacked indiscriminately with Veecharuval and Iron pipes and damaged the cars. At that time Ravi dragged his uncle from the car, when the defacto complainant try to save him, at that time Thirumavalavan kicked him and when he fell down, one Balamurugan and his brother cut the defacto complainant leg. At the same time some other persons caused injuries by saying that "We will finish you if any one doing political activity against our leader Velmurugan, this is the lesson" and attacked them and cars. When the general public were came all the persons escaped from the scene of occurrence. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that NBW was issued. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, NBW was issued, the case is in the year 2016, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

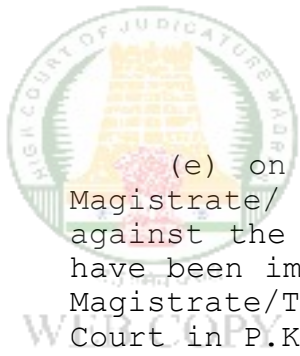
6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Cuddalore, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the 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 petitioners shall appear before the Trial Court Proceedings regularly without fail;

(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 [(2005) AIR SCW 5560]; and;

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

-sd/-

03/01/2022

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.I, CUDDALORE

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE STATION HOUSE OFFICER,
MUTHANDIKUPPAM POLICE STATION,
CUDDALORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.GANDHIKUMAR Advocate on payment of necessary charges Sr.58

CRL OP.25661/2021

Date :03/01/2022

RVR 05/01/2022