

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL ORIGINAL PETITION No.5587 of 2020

S.MANIKANDAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
RATHINAPURI POLICE STATION,
COIMBATORE DISTRICT.
CR.NO.711 OF 2019.

[RESPONDENT]

For Petitioner : M/S.S.RAMESH Advocate

For Respondent : M/S.S.THANKIRA, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

This is the third petition filed by the petitioner seeking anticipatory bail and the previous two petitions filed by him in Crl.O.P.No.32594/2019 and Crl.OP.No.1187/2020 were dismissed on merits. However, inspite of the dismissal, the Investigating Agency / the respondent herein did not arrest the petitioner, possibly because it does not require an arrest. The petitioner faces accusation in Crime No.711/2019, for the offences punishable under Sections 171 and 392 of IPC.,

2. The case of the prosecution is that the petitioner along with other accused persons had created that he is a Vigilance Officer and intercepted the defacto complainant's vehicle and seized the bag along with a sum of Rs.13,00,000/- and fled away. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is arrayed as A8, and that A1 to A7 have been arrested and released on bail. He added that the date of occurrence in terms of the prosecution version is 18.07.2019. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case, and hence, he prays this Court to grant anticipatory bail to the present petitioner.

4. The learned Government Advocate (Criminal Side) submitted that there are totally ten accused persons involved in this case and that A8 to A10 are absconding. She opposed this Court granting anticipatory bail to the petitioner.

5. As indicated in the opening paragraph, notwithstanding the dismissal of the earlier petition seeking anticipatory bail, the Investigating Agency does not seem to be interested in arresting the petitioner. Atleast, the petitioner has been repeatedly approaching the Court for submitting to the legal process. Taking into consideration the attitude of both the petitioner and the respondent, and give the fact that the co-accused have been released on bail, this Court deems it appropriate to grant anticipatory bail to the petitioner, on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Coimbatore, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, of which, one should be a blood relative surety**, 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 conditions that:

[a] the petitioner and 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 petitioner shall report before the respondent police twice a day i.e., daily at 10.30 a.m., and 5.30 p.m., for a period of one month, and thereafter daily once at 10.30 a.m., until further orders.

[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 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]**.

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

7. The petitioner is also at liberty to move the concerned learned Sessions Judge for further relaxation of conditions, if he is so desirous.

-sd/-
11/03/2020

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, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RATHINAPURI POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S.S.RAMESH Advocate on payment of necessary charges
SR.NO.4971

CRL OP.5587/2020

Date: 11/03/2020

TA-18/03/2020

WEB COPY