

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.8066 of 2020

Nainakannu

.. Petitioner/Accused Rank
Not Known

VS

State rep. by its ... Respondent/Respondent
The Inspector of Police,
Vellavedu Police Station,
Thiruvallur District.
(Crime No.322 of 2015)

PRAYER : Criminal Original Petition filed under Section 438 Cr.P.C., to grant Anticipatory bail to the petitioner in the event of his arrest in Crime No.322 of 2015 on the file of the respondent.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.K.Prabakar,
Addl. Public Prosecutor.

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under **Sections 147, 148, 294(b), 332, 307 of IPC and Section 3 of TNPPDL Act in Crime No.322 of 2015** on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a commotion in the village during a Sports Meet, When the police have gone there to control, the petitioner has prevented the police entering in the village and he along with others have assaulted the police and also caused damage to the police vehicle. The cost of the vehicle is Rs.5,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a member of the village and he has been falsely implicated in this case. He would also submit that the arrested ~~services, courts, doan/c services/~~ ~~services, courts, doan/c services/~~ enlarged on bail and the case is of the year 2015.

Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital and there is no previous case against the petitioner and the investigation is pending. Hence, he opposed for grant anticipatory bail to the petitioner.

5.Taking into consideration that this case is of the year 2015 and the arrested accused have been enlarged on bail and also the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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, Poonamallee**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **one surety** 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 surety 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 daily at 10.30 a.m, for a period of one week and thereafter, as and when required for interrogation.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
05/06/2020

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 PRINCIPAL DISTRICT
AND SESSIONS JUDGE, THIRUVALLUR.

2 THE JUDICIAL MAGISTRATE,
NO.II, POONAMALLEE.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VELLAVEDU POLICE STATION,
THIRUVALLUR DISTRICT.

CC to MR.C.PRABAKARAN, Advocate on payment of necessary charges

CRL OP.8066/2020

Date :05/06/2020

TA-10/06/2020

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