

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.8118 of 2020

1.Abuthahir
2.Muhamed Nayaz

.. Petitioners/A1&A7

Vs.

The State Represented by .. Respondent/Complainant
The Inspector of Police,
Tiruppur North Police Station,
Tiruppur.
(Ref: Crime No.274 of 2020)

PRAYER : Criminal Original Petition filed under Section 438 Cr.P.C.,
to enlarge the petitioners on anticipatory bail in the event of their
arrest in Crime No.274 of 2020 on the file of the Inspector of
Police, Tiruppur North Police Station, Tiruppur.

For Petitioners : Mr.I.Abdul Basith

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

ORDER

The petitioners who apprehend arrest at the hands of the
respondent police for the offences publishable under Sections 435,
120B, 109 and 143 of IPC r/w Section 4 of TNPPDL Act in Crime No.274
of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, on 12.02.2020 the
accused persons caused damage to the tune of Rs.10,00,000/- by
setting fire to the the defacto complainant's four wheeler which was
parked near his house. Hence, a complaint has been registered against
the petitioners.

3. The learned counsel for the petitioners would submit that the
petitioners has not committed any offences as alleged by the
prosecution. He further submit that the petitioners name were not
found in the FIR. Hence he sought for grant of anticipatory bail to
the petitioners.

4. The learned Additional Public Prosecutor would submit that totally there are six accused involved in this case and the petitioners herein are arrayed as A1 and A7. All the accused persons are joined together with the intention of setting fire to the defacto complainant's car which is worth about Rs.10,00,000/- and completely damaged the same. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. It is seen that during the course of arguments, the learned counsel for the petitioner would submit that each of the petitioner is ready to deposit a sum Rs.1,00,000/- to the credit of Crime No.274 of 2020 on the file of the respondent police.

6. Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. However, taking note of all the facts into consideration, anticipatory bail is granted to the petitioners and in any event, each of the petitioner may deposit a sum of Rs.1,00,000/- to the credit of Crime No.274 of 2020 on the file of the respondent police. On such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate - I, Tiruppur, on condition that each of the petitioners shall execute a separate 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 petitioners 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] each of the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakhs) to the credit of Crime No.274 of 2020 on the file of the respondent police.

[c] the petitioners shall report before the respondent as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

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

-sd/-
04/06/2020

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 JUDICIAL MAGISTRATE,
NO.I, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR.

CC to MR.I.ABDUL BASITH, Advocate on payment of necessary charges

CRL OP.8118/2020

Date :04/06/2020

TA-10/06/2020

WEB COPY