

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2020

CORAM:

THE HONOURABLE **MR. JUSTICE N.ANAND VENKATESH, J.**

Crl.O.P.No.8612 of 2020

Venkatesh @ Venkatesh Kumar

... Petitioner

Vs.

State represented by the Inspector of Police
15, Velampalayam Police Station
Tiruppur District
(Crime No.821 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No.821 of 2020, on the file of the respondent police.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

The petitioner / A5, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 341, 452, 294(b), 324, 506(ii) IPC @ 147, 148, 341, 452, 353, 324, 307 and 506(ii) IPC, in Crime No.821 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had assaulted the police who was on a bandobust duty and as a result of the same, the police officer sustained injuries in his hand.

3.The learned counsel appearing for the petitioner submitted that there are five accused persons in this case and the name of the petitioner is not even mentioned in the complaint and he has been falsely roped in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police on instructions submitted that four persons have been named in the complaint and this petitioner has been added as an accused based on the confession of the co-accused. He further submitted that the injured person has been discharged from the hospital and there are two previous cases against the petitioner.

5.Taking into consideration of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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.III, Tiruppur, on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five 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 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 on every Monday at 10.30 a.m. until further orders 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.

N.ANAND VENKATESH, J.,

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

12.06.2020

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Internet : yes / no

To.

1.The Judicial Magistrate No.III
Tiruppur

2.The Inspector of Police
15, Velampalayam Police Station
Tiruppur District

3.The Public Prosecutor
High Court of Madras
Chennai 600 104

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