

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No. 9176 of 2020

Arjunan

... Petitioners/Accused 2

Vs.

State represented by
The Inspector of Police,
Arakkonam Taluk Police Station,
Vellore District.
(Crime No.79/2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner/A2 on anticipatory bail in the event of arrest in Crime No.79 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Manivelan

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

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Section 7(1)(a) of Criminal Law Amendment Act, 2005 in Crime No.79 of 2020, seeks anticipatory bail.

2 The case of the prosecution is that on 27.02.2020, as per the complaint given by one Srinivasulu, the respondent police were rush to the spot and they found that two persons were standing with the wooden block and when the respondent police try to caught them, one of the suspects ran away and another person has taken into custody. Therefore, the respondent police enquired the arrested person and the arrested person states that both were standing in the spot with wooden block to hit the person who is coming for raid from revenue office and other officers and make them fear, thereafter any of the officers will not come for raid so that they can peacefully steal the sand for the above said reason. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor would submit that there is one previous case against the the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5 Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

6 Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7 Accordingly, the petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Chief Justice relief fund, High Court of Madras within a period of two weeks from the date on which the order copy made ready, and on such payment the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Arakkonam, on condition that the petitioner 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 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 pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Chief Justice relief fund, High Court of Madras within a period of two weeks from the date on which the order copy made ready and shall produce the receipt of the same before the Magistrate concerned.

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

[e] the petitioner 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 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]**.

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

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23.03.2020

Internet: Yes

Index: Yes/No

Speaking/Non-speaking order

Dua

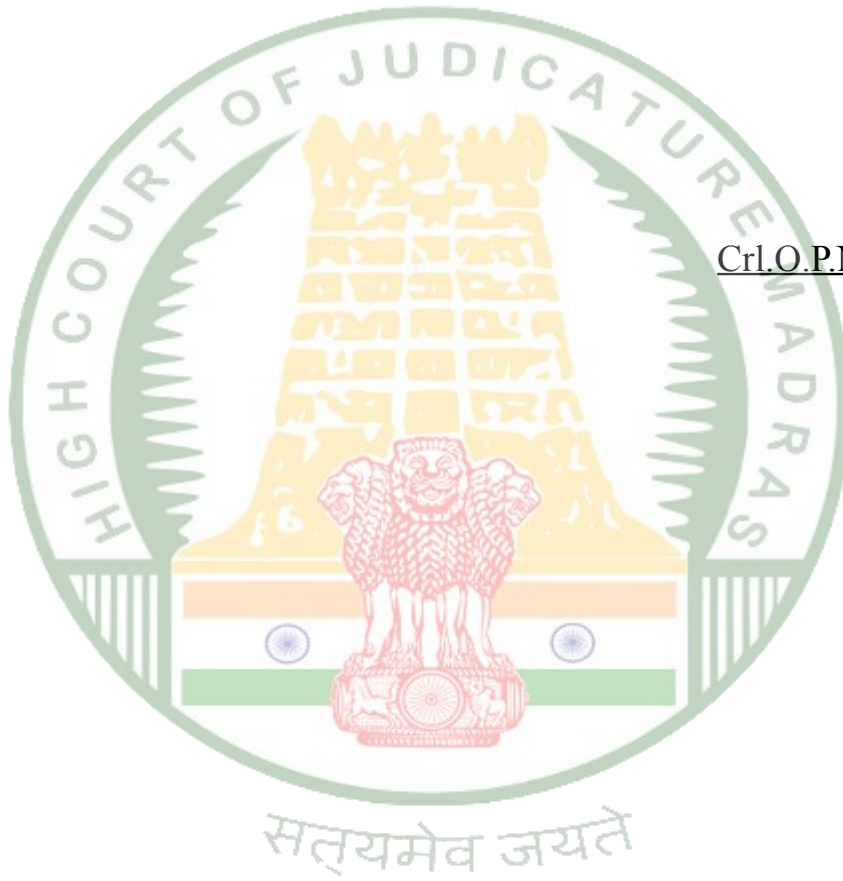
To

- 1.The Inspector of Police,
Arakkonam Taluk Police Station,
Vellore District.
- 2.The Judicial Magistrate,
Arakkonam.
- 3.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J,
Dua



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