

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO. 9225 of 2020

R.Anbalagan
S/o, Rathinavel Padayachi,
Pallakadu,
Kullampatti Post,
Ayothiyapattinam Via,
Salem Taluk, & District.
636 103.

... Petitioner/A1

Vs.

State rep by its,
The Inspector of Police,
Karipatti Police Station,
Salem District.

... Respondent

Prayer : Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Crime No.302 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Vejendran

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

* * * * *

ORDER

The Petitioner who is apprehending to arrest by the respondent police for the offences punishable under Sections 324, 325, 394(b) & 506(ii) of IPC in Crime No.302 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and 4 others have scolded the defacto complainant with filthy language and threatened with dire consequences. Hence the defacto complainant has lodged the complaint before the respondent police. The respondent police registered a case.

3. The learned counsel for the petitioner submitted that the the petitioner is no way connected with the alleged occurrence. The respondent police has falsely implicated the petitioner in this case. He denied all the allegations and undertake to abide any condition imposed on him. Hence, he seeks anticipatory bail.

4. The learned Additional Public Prosecutor has submitted that the petitioner is a history sheeter. One previous case also registered against the petitioner. Hence, he opposed to grant bail.

5. Considering the submission made by the learned counsel appearing for the petitioner, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of the **Chief Minister Public Relief Fund, Tamilnadu** without prejudice to his rights and contentions before the trial Court. Merely, because the petitioner has deposited 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.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) as non-refundable deposit to the credit of the **Chief Minister Public Relief Fund, Tamilnadu** within a period of fifteen days

from the date on which the order copy made ready and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned District Munsif cum Judicial Magistrate, Vazhapadi, Salem District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood 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 deposit a sum of Rs.25,000/- (Rupees Twenty five thousand only) to the credit of the **Chief Minister Relief Fund, Tamilnadu** and shall produce the said receipt before the Court below.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four 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.

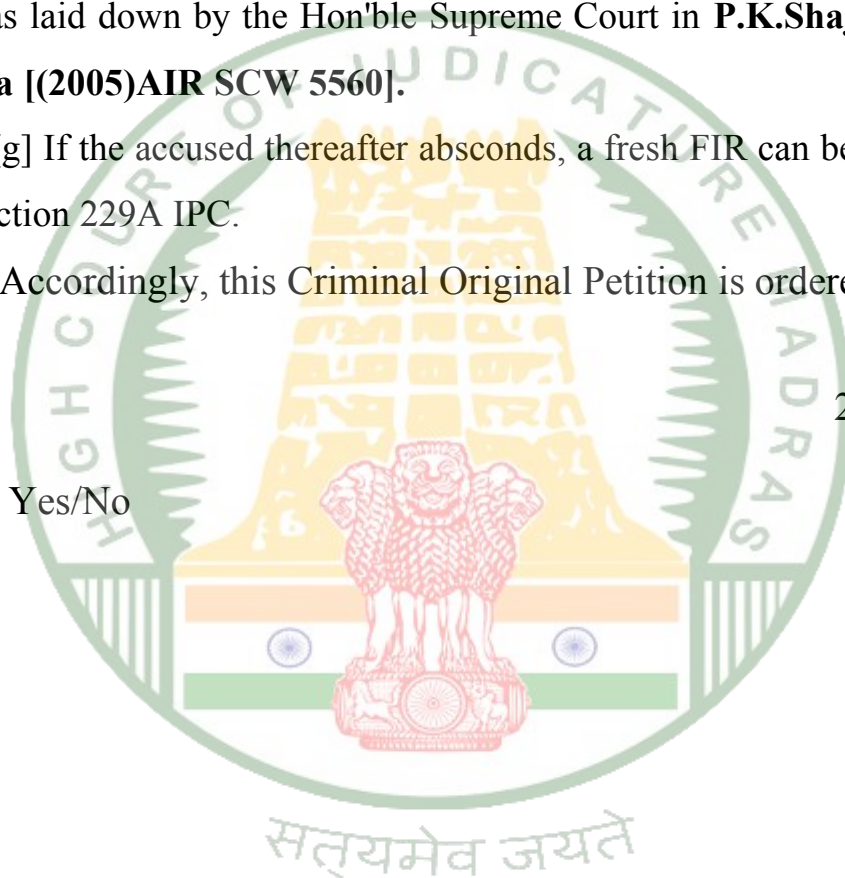
[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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.

7. Accordingly, this Criminal Original Petition is ordered.

23.06.2020

Internet: Yes/No
mfa



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G.K.ILANTHIRAIYAN.,J.

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To

- 1.The District Munsif cum Judicial Magistrate,
Vazhapadi,
Salem District.
- 2.The Inspector of Police,
Karipatti Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court, Madras.



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