

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2020

CORAM

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

Crl.O.P.No. 9270 of 2020

Srinivasan,
S/o. Kuppan,
No.2/15, Vellalar Street,
Kilkondaiyur Village,
Thiruvallur District.

... Petitioner/2nd Accused

Vs.

State Rep. by
The Inspector of Police,
Vengal Police Station,
Thiruvallur District.
Cr. No.917 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest in
connection with Crime No.917 of 2020 on the file of the respondent
police.

For Petitioner : Mr.R.Sasikumar

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

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 447, 324, 436 and 506 (ii) of IPC, in Crime No.917 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused trespassed into the defacto complainant's house and abused him with filthy language and also set fire. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that petitioner is ranked as A2 and A1 has already released on bail. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner trespassed into the defacto complainant's house and set fire on

the house and the door was completely burned which worth about Rs.1,00,000/- (Rupees One Lakh Only). Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. 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.75,000/- (Rupees Seventy Five Thousand only) to the credit of Crime No.917 of 2020, within a period of four weeks 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 Judicial Magistrate No.I, Thiruvallur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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.75,000/- (Rupees Seventy Five Thousand only) to the credit of Crime No.917 of 2020, within a period of four weeks from the date on which the order copy made ready and the receipt shall be produced before the Magistrate concerned.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] 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.

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

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

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

24.06.2020

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order

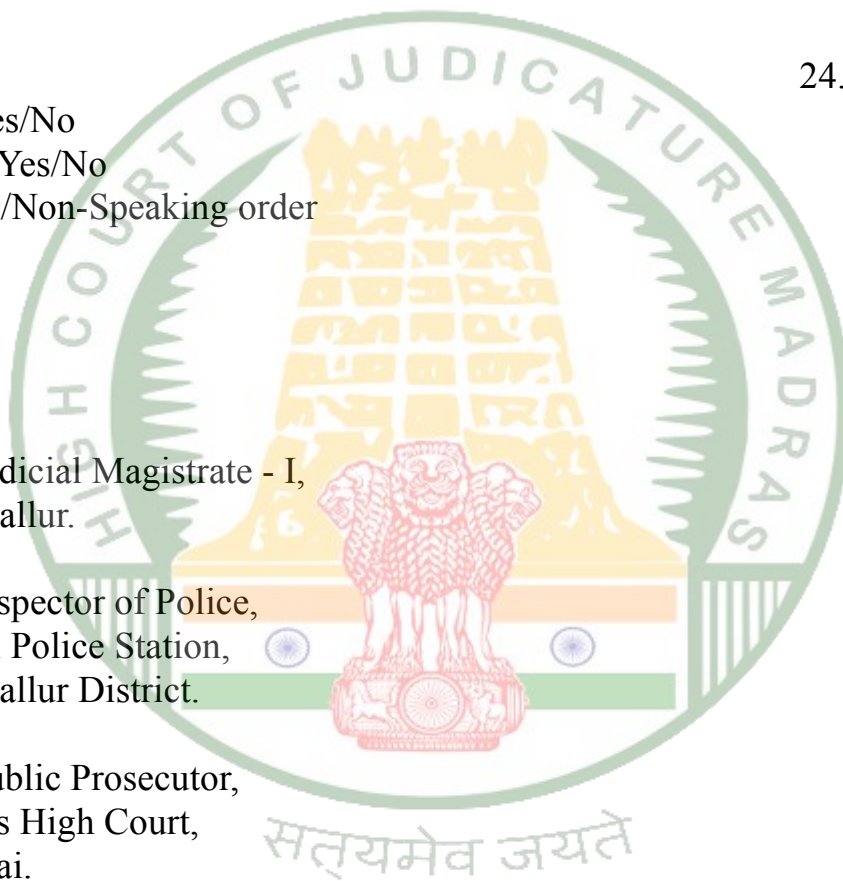
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To

1. The Judicial Magistrate - I,
Thiruvallur.

2. The Inspector of Police,
Vengal Police Station,
Thiruvallur District.

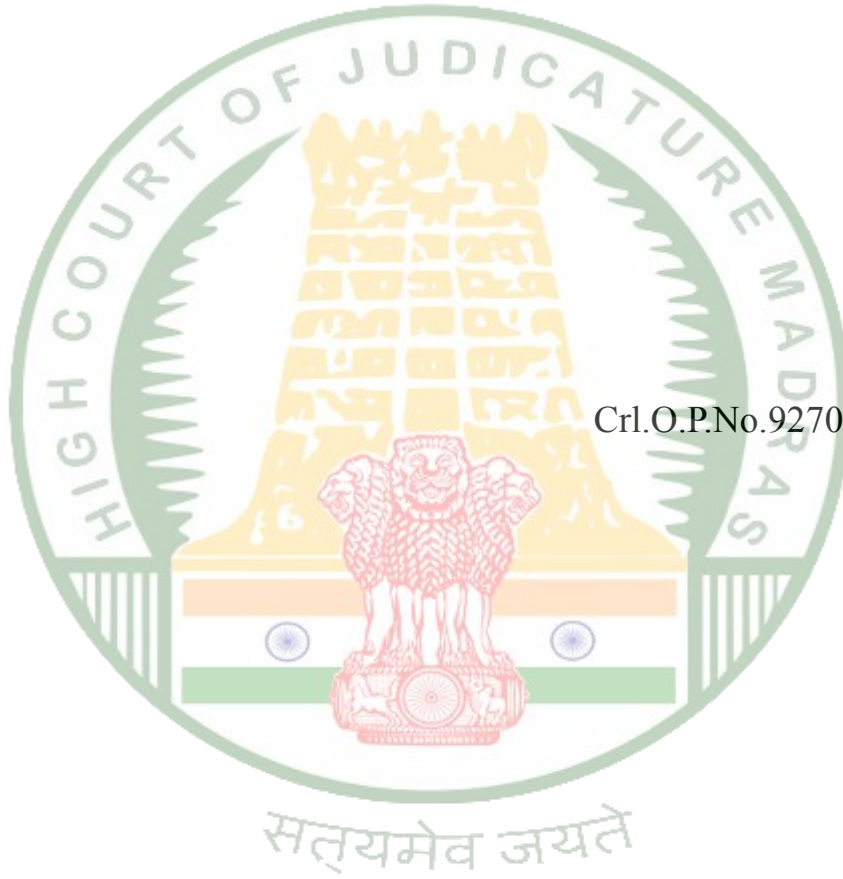
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J

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