



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9341 of 2020

Ithayathulla

.. Petitioner

Vs.

The State Represented by
The Inspector of Police,
Tiruppur North Police Station,
Tiruppur.
Cr. No.274 of 2020

... Respondent

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 Crime No.274 of 2020 on the file of the Tiruppur North Police Station, Tiruppur.

For Petitioner : Mr. I.Abdul Basith

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 435, 120B, 109, 143 of IPC read with Section 4 of TNPPDL Act in Crime No.274 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A4 was said to have damaged the four wheeler of the defacto complainant by setting fire to the tune of Rs.10,00,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the complaint and FIR is false and hypothetical. He would further submit the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that to prove his bonafide, the petitioner is ready and willing to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the credit of Crime No.274 of 2020. Therefore, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that totally there are seven accused involved in this case and this petitioner is arrayed as A4. The petitioner was said to have damaged the four wheeler of the defacto complainant by setting fire and causing loss to the tune of Rs.10,00,000/-. He would further submit that there is no previous case pending against 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.1,50,000/- (Rupees one lakh fifty thousand only) to the credit of Crime No.274 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 I, Tiruppur, 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 deposit a sum of Rs.1,50,000/- (Rupees one lakh fifty thousand only) to the credit of Crime No.274 of 2020 before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[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 appear before the respondent police daily at 10.30 a.m., until further orders.

[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.

WEB COPY

-sd/-
25/06/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S. I.ABDUL BASITH Advocate on payment of necessary charges

CRL OP.9341/2020

Date :25/06/2020

cs 24/07/2020