

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 9459 of 2020

1.Anbazhagan @ Anbarasan
2.Latha

... Petitioners/Accused No. 3 & 4

Vs.

The State represented by,
The Inspector of Police,
Nogore Police Station,
Nagapattanam District.
(Cr.No.1129 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of the Code of Criminal Procedure, to grant an anticipatory bail to the petitioners in the event of their arrest in Crime No.1129 of 2020 pending investigation on the file of the respondent police station herein.

For Petitioners : Mr.S.K.Syed Eliyas
For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 188, 269, 420, 467, 468 & 472 of IPC, in Crime No.1129 of 2020, seek anticipatory bail.

2 It is the case of the prosecution that the petitioners have given duplicate e-pass to the travellers to travel from Chengalpattu to Nagapattinam. Hence the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case by the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent submitted that the defacto complainant viz., one Mr.Vijayakumar, Deputy Tahsildar, election wing collectorate, he is the special duty officer of the Corona Protection team surveillance duty at Vanjoor Checkpost, has lodged a complaint before the respondent police stating that on 25.05.2020 at 10.30 a.m., one car bearing registration No. TN 14 M 8391 was driven by one Rajesh, which

and there were two passengers in the car viz., Ayappan and Kanimozhi. The defacto complainant has scanned the e-pass through QR CODE and it was shown as duplicate e-pass. Thereafter, defacto complainant has enquired the driver and the driver has stated that the pass was given by the travells Manager viz., Anbalaan and Travells owner viz., Latha. Therefore, the learned counsel has strongly opposed to grant anticipatory bail to the petitioners.

5 Heard both sides and perused the materials placed on record.

6 This Court is of the opinion that the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) jointly, as non refundable deposit to the credit of the Chief Minister's Public Relief Fund, Tamil Nadu, without prejudice to his rights and contentions before the trial Court. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

7 Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) jointly as non refundable deposit to the credit of the Chief Minister's Public Relief Fund, Tamil Nadu, within a period of fifteen days from the date on which the order copy made ready and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-II, Nagapattinam, on condition that each of the petitioners shall execute a separate 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 petitioners 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 petitioners shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) to the Chief Minister's Public Relief Fund, Tamil Nadu and shall produce the said receipt before the Court below.

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

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

-sd/-
26/06/2020

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.II, NAGAPATTINAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
NAGORE POLICE STATION,
NAGAPATTINAM DISTRICT

4 THE SECRETARY TO GOVT.,
CHIEF MINISTERS PUBLIC RELIEF FUND,
ST FORT GEORGE, CHENNAI
TAMIL NADU

CC to M/S.S.K.SYED ELIYAS Advocate on payment of necessary charges

CRL OP.9459/2020

Date :26/06/2020

rd 22/07/2020