

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No. 9476 of 2020

A.Muhammed Jameen
S/o Abdul Rahim,
No.17/A/2, Thatthappankulam,
17th Lane, Cumbum,
Uthamapalayam,
Kambam, Then - 625516
... Petitioner

Vs.

State represented by
Inspector of Police,
Redhills Police Station,
(Crime No.36 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.36 of 2020 on the file of the respondent police.

For Petitioner : Mr.U.Aslam

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

O R D E R

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 147,
148, 341, 294(b), 323, 336, 397 & 506(ii) of IPC in Crime No.36 of
2020 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with
the other accused persons have waylaid the defacto complainant abused
him and also on knife point robbed a sum of Rs.2,800/- from the
defacto complainant. Hence, the present complaint has been lodged
against the petitioner.

3.The learned counsel for the petitioner would submit that this
is nothing but a put up case as against the petitioner. In so far as
the other accused persons are concerned, for the purpose of detaining
them under the Goondas Act, a false case has been foisted. In so far
as the petitioner is concerned, absolutely, there is no allegation
against the petitioner and also he never involved in such crime.
Further, Crime No.31 of 2020 on the file of the same respondent
Police has also been registered against the petitioner herein in
which, the petitioner has been granted anticipatory bail with some
conditions. Hence, he seeks anticipatory bail to the petitioner.

4.Considering the above facts and circumstances of the case and the present case has been registered after registering the case in Crime No.31 of 2020 as against the petitioner and others, even according to the case of the prosecution, all the eight persons have shown the knife and robbed a sum of Rs.2,800/- from the defacto complainant, there is no specific overt act against the petitioner herein. Therefore, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.2, Ponneri, 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 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.

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

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner/s 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].

[f] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

01/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.2, PONNERI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

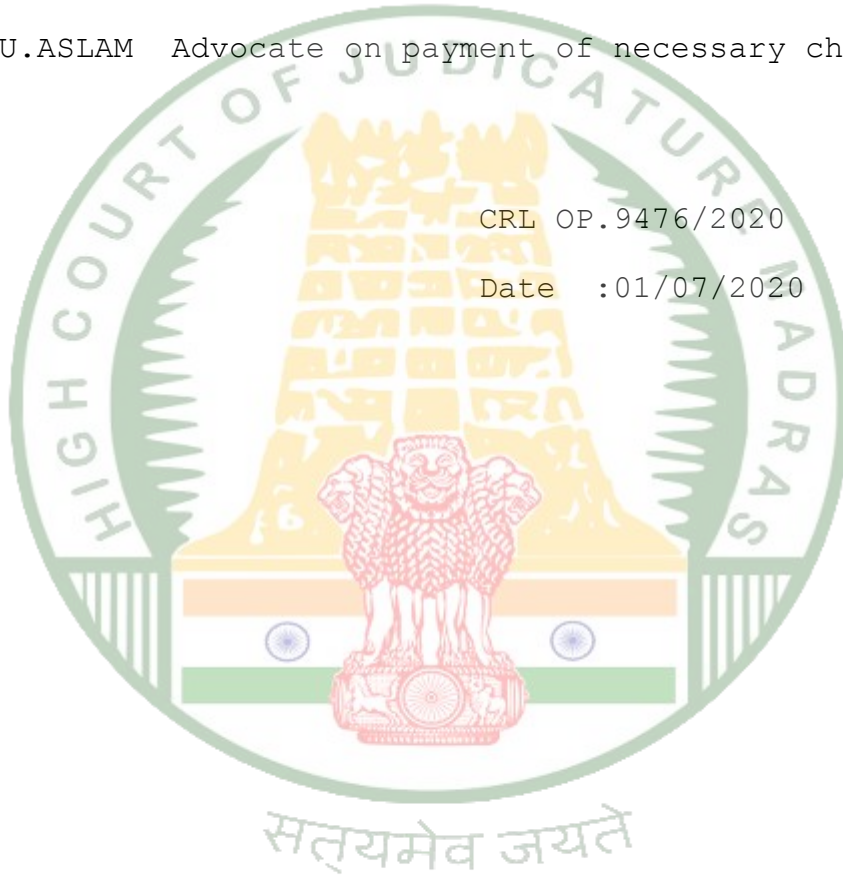
3 THE INSPECTOR OF POLICE,
REDHILLS POLICE STATION,
THIRUVALLUR DISTRICT

CC to M/S.U.ASLAM Advocate on payment of necessary charges

CRL OP.9476/2020

Date :01/07/2020

RD 18/08/2020



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