

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 9520 of 2020

K.Dilipan

... Petitioner/11th Accused

Vs.

State represented by

The Inspector of Police(Law and Order),
E-1, Mylapore Police Station,
Chennai - 600 004.

(Crime No.42 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner/11th accused herein on bail in the event of his arrest by the respondent or on his appearance before the concerned Court in Crime No.42 of 2020, on the file of the respondent police.

For Petitioner : Mr.G.Pavendhan

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, 436, 511 of IPC in Crime No.42 of 2020, seeks anticipatory bail.

2 The case of the prosecution is that on 26.01.2020, when the defacto complainant was on his duty, the accused persons have come to his house by their two wheelers and took out a bottle from yellow colored bag and try to fire with the match box stick. Thereafter, the defacto complainant has shouted them and preventing them from firing and the accused persons have fled from the place of occurrence.

3 The learned counsel appearing for the petitioner would submit that the petitioner has been arrayed as eleventh accused and the other accused persons have been arrested and subsequently, they have detained under Goondas. Thereafter, their detention orders were set aside and they were released on bail. He further submitted that even according to the case of the prosecution, they attempted to hurl petrol bomb and they never committed any offence. In respect of the petitioner is concerned, he has no previous cases and no bad antecedents and as such, he sought for anticipatory bail. He further

submitted that it is the application for anticipatory bail on third occasion and now the arrested persons were released and their detention order was also set aside. He further submitted that the investigation also almost completed and the respondent police is about to file final report. Therefore, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally eleven accused. In which, the petitioner is arrayed as eleventh accused and the other accused persons have arrested and subsequently they were detained under Goondas. Their detention order was also set aside. They were also released on bail. In respect of the investigation is concerned, it is pending. However, he opposed to grant anticipatory bail to the petitioner.

5 It is seen that there are totally eleven accused persons, in which, the petitioner is arrayed as eleventh accused. According to the case of the prosecution, on 26.01.2020, the petitioner along with other accused persons have come by their motor cycle and try to attempt petrol bomb on the defacto complainant's house. Timely, it was prevented by the defacto complainant. Insofar as the other accused persons are concerned, they were detained under Goondas and subsequently, their detention orders were set aside. They were also released on bail.

6 Considering the above change in circumstances and also considering the previous antecedents of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7 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 XVIII Metropolitan Magistrate, Saidapet, Chennai, 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 report before the respondent police daily at 10.30 a.m. and 05.30 p.m., until further orders.

[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 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, a fresh FIR can be registered under Section 229A IPC.

-sd/-
29/06/2020

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 METROPOLITAN MAGISTRATE
NO.XVIII, SAIDAPET, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE, सत्यमेव जयते
LAW AND ORDER,
E-1 MYLAPORE POLICE STATION,
CHENNAI.

CC to M/S.G.PAVENDHAN Advocate on payment of necessary charges

CRL OP.9520/2020

Date :29/06/2020

cs 24/07/2020