

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.9543 of 2020

Thanigachalam

... Petitioner

Vs.

The State Rep. by  
The Inspector of Police,  
Arani Police Station,  
Arani, Tiruvallur District. .... 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.228 of 2016 on the file of the respondent police.

For Petitioner : Mr. B. Jawahar

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 294(b) &  
307 of IPC in Crime No.228 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that on 16.08.2016 the defacto  
complainant went to a temple and while returning back to his home the  
accused persons dashed the defacto complainant by their vehicle and  
also attacked the defacto complainant with knife. However, the  
defacto complainant escaped from the said attack. Hence, the  
complaint.

3. The learned counsel for the petitioner would submit that the  
crime is of the year 2016 and thereafter, the petitioner did not  
indulge in any crime. Insofar as the other accused persons are  
concerned they are arrested and subsequently released on bail.  
Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that  
the petitioner is history sheeter and he has very bad antecedents.  
So far he has involved in 11 previous cases. It is seen that there  
are totally 5 accused persons and the petitioner herein arrayed as  
A5. Hence he vehemently opposed to grant anticipatory bail to the

5. Considering the above fact and circumstances of the case and the fact that the crime is of the year 2016 and thereafter the petitioner did not indulge in any crime. Further the respondent till today did not take any step to arrest the petitioner so far only because of the non availability of the petitioner and now the investigation is stalled, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Court, Ponneri, 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 5:30 p.m. for a period of two 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 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 absconds, 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

TO

1 THE JUDICIAL MAGISTRATE,  
PONNERI.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

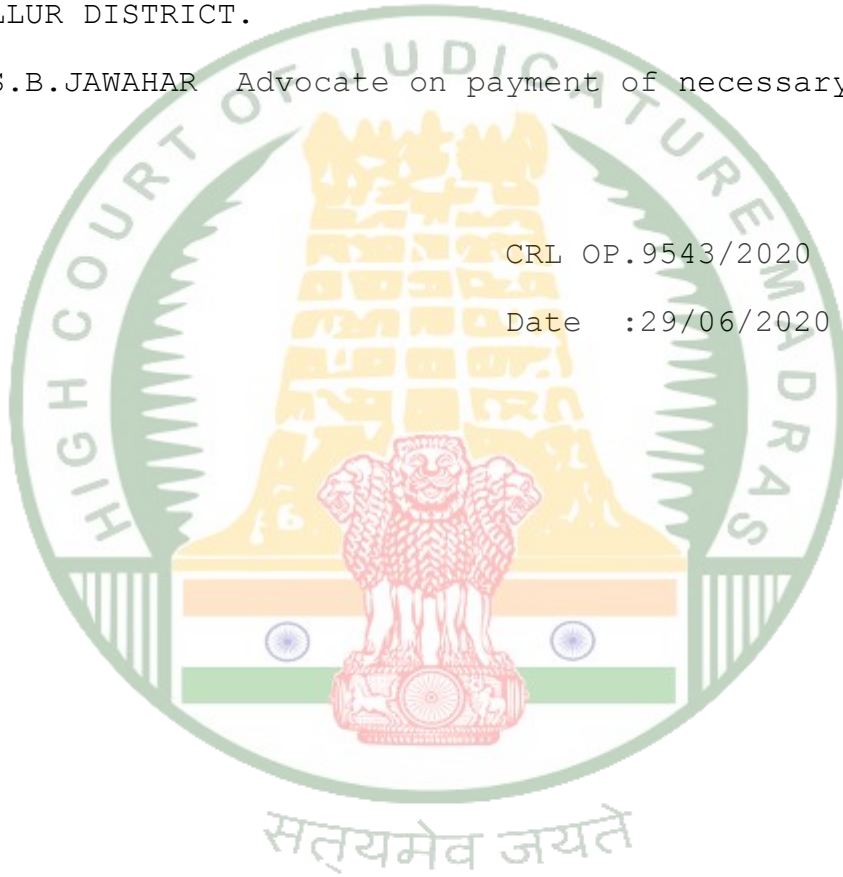
3 THE INSPECTOR OF POLICE,  
ARANI POLICE STATION,  
ARANI, TIRUVALLUR DISTRICT.

CC to M/S.B.JAWAHAR Advocate on payment of necessary charges

CRL OP.9543/2020

Date :29/06/2020

cs 03/08/2020



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