

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 9642 of 2020

Vignesh @ Poonai Vikki

... Petitioner

Vs.

State Rep. by

The Inspector of Police,
Shankar Nagar Police Station,
Kancheepuram District.

Cr. No.66 of 2020

... Respondent

Prayer: Criminal Original Petitions filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime Nos.66 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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), 341, 397 and 506(ii) of IPC, in Crime No.66 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 07.03.2020, the petitioner threatened the de-facto complainant at knife point and taken a sum of Rs.800 from the de-facto complainant and also abused him with filthy language.

3. The learned counsel for the petitioner would submit that the petitioner was arrested and remanded to judicial custody in respect of Cr.No.65 of 2020 on 07.03.2020 and thereafter he was released on bail by the learned Sessions Judge, Chengalpattu in CrI.M.P.No.2035 of 2020 dated 03.06.2020. He would further submit that the petitioner was inside jail for more than 89 days, therefore the respondent police did not arrest the petitioner in respect of the Cr.No.66 of 2020 and he has been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor on the other hand would submit that the petitioner has involved in four previous cases including one under the Explosives Act. He would further submit that petitioner was arrested and remanded to judicial custody on 07.03.2020, in pursuant to the FIR in Cr.No.65 of 2020 on the file of the respondent police. Subsequently, he was released on bail in CrI.M.P.No.2035 of 2020 dated 03.06.2020. It is seen from the present FIR, which was registered on 04.03.2020, even though the petitioner was confined in prison no arrest was made by respondent police in both Crime Nos.66 of 2020 and 713 of 2019 on the file of the same respondent police. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, 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-II, Tambaram, 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. 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 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

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, TAMBARAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SHANKAR NAGAR POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges

CRL OP.9642/2020

Date :29/06/2020

cs 03/08/2020

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