

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 9649 of 2020

Kumar @ Uruttukumar

... Petitioner

Vs.

The State rep by  
Inspector of Police,  
Karumalaikoodal Police Station,  
Salem District.  
(Crime No.145/2019)

... 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.145 of 2019 on the file of the respondent police.

For Petitioner : Mr.G.Ganapathy

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

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148 and 307 of IPC in Crime No.145 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that on 09.07.2019, the petitioner and others have chased the defacto complainant and tried to attack him with aruval, and as such, the defacto complainant has escaped from the scene of occurrence and lodged the present complaint.

3. The learned counsel for the petitioner would submit that this Court has granted anticipatory bail to the petitioner on 10.12.2019 in Crl.O.P. No.33165 of 2019 with certain conditions. Unfortunately, the petitioner could not able to execute the sureties as directed by this Court. Therefore, the petitioner has filed a petition for extension of time in Crl.M.P. No.1105 of 2020 and the same was extended. Unfortunately, the copy of the order was received belatedly and again he could not able to produce sureties. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there were 10 accused involved in this case and the petitioner was A1 in this case. Both belong to different groups and nine previous cases have been registered against the petitioner. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) to the credit of Chief Justice Relief Fund, High Court, Madras within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Mettur, Salem District, 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 deposit a sum of Rs.5,000/- (Rupees five thousand only) to the credit of Chief Justice Relief Fund, High Court of Madras within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

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

[g] 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] .

[h] 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,  
METTUR,SALEM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE  
SALEM DISTRICT.[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT,MADRAS.

4 THE INSPECTOR OF POLICE,  
KARUMALAIKODAL POLICE STATION,  
SALEM DISTRICT.

5 THE SECTION OFFICER,  
ACCOUNT SECTION,  
THE CHIEF JUSTICE RELIEF FUND,  
HIGH COURT OF MADRAS.

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

CRL OP.9649/2020

Date :29/06/2020

GKS (CS) :03/08/2020