

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDRA

Cr1.O.P.No.10088 of 2020

Prabha @ Prabhakaran (37 years),
S/o. Govindaswamy, No.481, Gangai Amman Street,
Narayapuram, Banglore North,
Bangalore, Karnataka.

... Petitioner/A6

-Vs-

State rep. by
The Sub-Inspector of Police,
Thiruvalam Police Station,
Vellore District.
(Cr.No. 439 of 2020)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to grant Anticipatory Bail to the petitioner in the event of his arrest in Crime No. 439 of 2020 on the file of the Sub-Inspector of Police, Thiruvalam Police Station, Vellore District.

For Petitioner : Mr.P. Pugalenth

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 341, 294(b), 147, 148, 307, 397, 363 of I.P.C., r/w 511 & 506 (ii) I.P.C., in Crime No.439 of 2020, seeks bail.

2. The case of prosecution as per the Defacto-Complainant one Suresh is that on 02.05.2020 at 9.30 hours when he was standing at a Petrol Bunk near Naga Devi Marriage Hall, Al one Johni came in a Maruthi car along with the other accused and he threatened the defacto complainant and demanded money and he also asked the other accused to attack the defacto complainant and thereby all of them

robbed an amount of Rs 54,000/- from the defacto complainant.

3. The learned counsel for the Petitioner would submit that the Petitioner is innocent and he has been falsely implicated in this case since he happens to be the brother-in-law of the main accused Johni. He would submit that the Petitioner is a normal resident of Bangalore with his family and his wife is working as a Staff Nurse in the private Hospital in Bangalore. After the Lockdown, the Petitioner has not come to Tamilnadu and he is residing at Bangalore and since the Respondent Police is unable to apprehend A1, they have implicated the Petitioner to put pressure on the first accused to surrender. He would submit that the petitioner is prepared to appear before the Respondent Police and co-operate with investigation.

4. The learned Additional Public Prosecutor would submit that the petitioner along with the other accused attacked the defacto complainant and thereafter threatening him with knife robbed an amount of Rs 54,000 from him. He would submit that there is a previous case against the Petitioner in Crime No. 86 of 2018.

5. At this juncture the learned counsel for the Petitioner would submit that the Petitioner being a resident of Bangalore is not aware of the case against him in Crime No.86 of 2018 and even as per the complaint it is stated that an unknown person has stolen the vehicle which was parked in front of the defacto complainant's house on 16.11.2017 whereas the complaint that been given to the Respondent only on 23.02.2018 after three months.

5. Taking into consideration, the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

(a) Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Court, Kadpadi, Vellore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Adhar Card or Bank pass Book to ensure their identity.

(c) the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

<https://hcservices.courts.gov.in/hcservices/> (3) The petitioner shall not commit any offences of similar

nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

13/07/2020

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,
COURT, KATPADI, VELLORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 STATE BY THE SUB INSPECTOR O
F POLICE, THIRUVALAM POLICE STATION,
VELLORE DISTRICT

CC to M/S. P.PUGALENTHI Advocate on payment of necessary charges

CRL OP.10088/2020

Date :13/07/2020

RD 18/08/2020