

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G. K. ILANTHIRAIYAN

Crl.O.P.No.10111 of 2020

M. Venkatesan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Panamadangi Police Station,
Vellore District.
Crime No.238 of 2020

... 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.238 of 2020 on the file of the respondent police.

For Petitioner : Mr. S. Raja Ravi Varma

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) and 506 (ii) of IPC in Crime No.238 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant Shanmugam had lodged a complaint before the respondent police against the petitioner stating that the petitioner along with another had demanded a sum of Rs.2,00,000/- for continuing his contract job and also assaulted the defacto complainant with crowbar. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the defacto complainant had taken contract for laying road in the Senji Village and that the quality of the road laid was in a poor condition. With regard to the same, the petitioner had given a complaint to the District Collector and other officials against the defacto complainant and also had sought information under the Right to Information Act following which, the defacto complainant along with some henchmen had threatened the petitioner with dire consequences. Therefore, with no other option, the petitioner had preferred the complaint before the respondent police on

13.01.2020 and the same is pending. Therefore, as a counter blast, the defacto complainant has lodged the present complaint with concocted stories as against the petitioner. He would further submit that the petitioner is an innocent person and he is no way connected in this case and that he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are 4 previous cases as against the petitioner out of which, one case ended in acquittal and if the petitioner is granted anticipatory bail, there are chances that the petitioner would involve in similar nature of offences. Hence he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, 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.15,000/- (Rupees fifteen thousand only) as non refundable to the Chief Minister Public Relief Fund, Tamil Nadu, within a period of four 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 Judicial Magistrate, Katpadi, Vellore District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood 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.15,000/- (Rupees fifteen thousand only) as non refundable to the Chief Minister Public Relief Fund, Tamil Nadu, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

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

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

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

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

03/07/2020

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,
KATPADI, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PANAMADANGI POLICE STATION,
VELLORE DISTRICT.

5 THE CHIEF MINISTER PUBLIC RELIEF FUND,
TAMIL NADU,

CC to M/S. S.RAJA RAVI VARMA Advocate on payment of
necessary charges

CRL OP.10111/2020

Date :03/07/2020

MK:17/08/2020