

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.10448 of 2020

1.Udhaya @ Ruthresh M/A 19 years, (A-2),
S/o.Kannayiram,
No.19, Durgaiamman Koil Street,
Uthiramerur Town and Taluk,
Kancheepuram District.

2.Logesh M/A 21 years, (A-3)
S/o.Pandiyan @ Pandurangan,
No.12, Karuneeakar Street,
Uthiramerur Town and Taluk,
Kancheepuram District.

... Petitioners/A-2 & A-3

Vs.

The State represented by,
The Inspector of Police,
Uthiramerur Police Station,
Kancheepuram District.

(Crime No. 1168 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No.1168 of 2020, on the respondent police.

For Petitioners : Mr.G.Punniakoti

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 392, 397 and 506(ii) of IPC in Crime No.1168 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 28.06.2020, at about 10.45 p.m., three accused persons were stopped the defacto complainant and demanded money by using filthy language and intimidated him and took Rs.1,000/- from his pocket. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners were roaming during the lock down and thereby, the

respondent has registered a false case against them. He would submit that the petitioners are aged about 19 years and 21 years respectively and that they are residents of Uthiramerur Town and Taluk and only to curtail their activities, a false case has been registered. Hence, he prays to grant anticipatory anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners have robbed Rs.1,000/- from the defacto complainant. Hence, he oppose to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the District Munsif cum Judicial Magistrate, Uthiramerur, on condition that each petitioner shall

execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, out of which one shall be the blood-relative surety of the petitioners, 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

13.07.2020

Internet : Yes/No

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To

1. The District Munsif cum Judicial Magistrate,
Uthiramerur.

2. The Inspector of Police,
Uthiramerur Police Station,
Kancheepuram District.

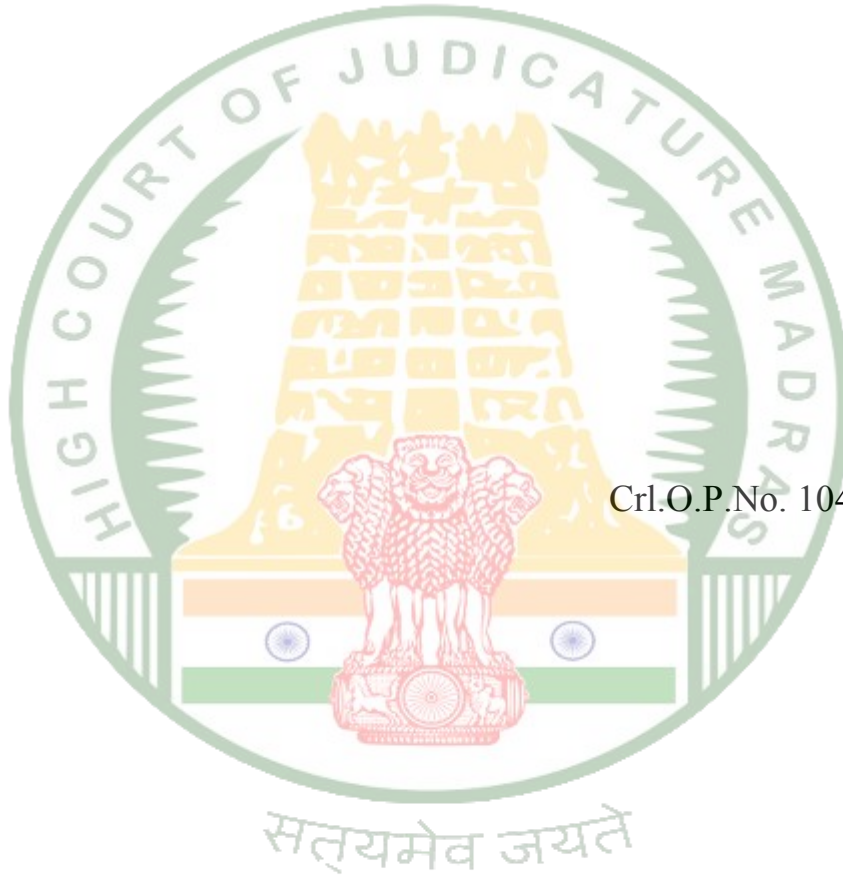
3. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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