

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDRA

CrI.O.P.No.10563 of 2020

Karthik

... Petitioner

-Vs-

State Rep. By the
Inspector of Police,
Kothalam Police Station,
Nagapattinam District.
(Crime No.862 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.862 of 2020 on the file of the Respondent Police.

For Petitioner : Mr. J. Jawahar

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

ORDER

(The case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 188, 269, 420, 467, 468, 472 of IPC in Crime No.862 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 30.05.2020 while the defacto complainant conducting vehicle checkup, a vehicle bearing Registration No.TN 45 BE 3190 was found to plying with the fake E-Pass, the driver and the passenger were arrested. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he is a part-time driver of the vehicle. Other than having driven the vehicle, he has nothing to do with the fake E-Pass. He further submit that the petitioner is prepared to appear before the Respondent for enquiry. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the accused plied passengers in their vehicle by using fake E-Pass and arrested accused have been released on bail. However, he opposed for grant of anticipatory bail to the petitioner.

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

6. 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 No.I, Myiladurai, on condition that the petitioner shall execute 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:

[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 two weeks and thereafter, every Monday at 10.30 a.m., until further orders.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
15/07/2020

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,
NO.I, MYILADURAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KOTHALAM POLICE STATION,
NAGAPATTINAM DISTRICT

CC to M/S. J.JAWAHAR Advocate on payment of necessary charges

CRL OP.10563/2020

cs 17/08/2020

Date :15/07/2020

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