

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10753 of 2020

S.Raja

... Petitioner

Vs.

The State

Rep. by the Inspector of Police,

Kalasapakkam Police Station,

Thiruvannamalai District.

Crime No.1101 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in respect of Crime No.1101 of 2020, on the file of Kalasapakkam Police Station, Thiruvannamalai District, pending investigation.

For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mr.M.Mohammed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The matter is listed today under the caption "for being mentioned". Before the order could be signed and despatched, the learned Additional Public Prosecutor mentioned that there is tension prevailing in the village and thereby the respondent wanted the petitioners may be directed to stay elsewhere and to change the condition imposed by this Court vide order dated 20.07.2020 in Crl.O.P.No.10753 of 2020. Hence, the order in Crl.O.P.No.10753 of 2020 dated 20.07.2020 to be read as follows:

"The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) and 307 of IPC in Crime No.1101 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that while the petitioner and his accomplices involved in the theft of river sand, the de-facto complainant and her husband tried to stop them. In view of the same, the petitioner and his accomplices scolded them in filthy language and attacked with deadly weapons causing grave injuries and also threatened with dire consequences. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and 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 appearing for the respondent would submit that the petitioner abused the de-facto complainant in filthy language and attacked with deadly weapons and caused grave injury. He would further submit that the injured has been discharged from the hospital and there is no previous case against the petitioner. However, he oppose to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of his 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, Kalasapakkam, on condition that the petitioner shall execute a separate 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 stay at Vellore and report before the Vellore North Police Station daily 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 absconds, a fresh FIR can be registered under Section 229A IPC."

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

-sd/-
27/07/2020

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,
KALASAPAKKAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.CR.NO.
1101/2020

5 THE OFFICER INCHARGE,
VELLORE NORTH POLICE STATION,
VELLORE.

CC to M/S.S.B.VISWANATHAN Advocate on payment of
necessary charges

CRL OP.10753/2020

Date :27/07/2020

