

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11514 of 2020

Mathiyalagan

... Petitioner

Vs.

State rep. by its
The Inspector of Police,
Annamalainagar Police Station,
Cuddalore District.
Crime No.821 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest by the respondent police, pending investigation of the case in Crime No.821 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Vijaya Ragavan

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

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 147, 148, 294(b), 324, 397 and 506(ii) IPC in Crime No. 821 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Ramalingam is that the petitioner along with other accused waylaid the defacto complainant and assaulted him at knife point and robbed his motor cycle. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that previously complaint has been given to Anaikaranchathiram Police Station and a case was registered for the alleged offence under sections 147, 148, 294(b), 324 and 506(ii) IPC in Crime No.742 of 2020. The petitioner filed

application for anticipatory bail before this Court and this Court pleased to grant anticipatory bail to the petitioner in CrI.O.P.No.10804 of 2020 dated 20.07.2020 whereas another complaint with the very same averment has been given before the present respondent and that the present case has been registered for the offences under sections 147, 148, 294(b), 324, 397 and 506(ii) IPC. He would further submit that for the reasons best known to the respondent, the present complaint has been filed by the respondent. The petitioner is prepared to appear before the respondent. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner along with his associates waylaid the defacto complainant and assaulted him and under threat, robbed his motor cycle. He would further submit that there are two previous cases pending as against the petitioner and that the robbed motor cycle has been recovered from A3.However, he opposed to grant anticipatory bail to the petitioner.

5. Heard the counsels and perused the copy of the FIR in both cases.

6. Taking into consideration of the facts and circumstances and also the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest by the respondent police or on his appearance, **within a period of fifteen days from the date of lifting of lockdown or the commencement of Court's normal functioning whichever is earlier**, before the Judicial Magistrate-I, Chidambaram, on condition that the petitioner shall execute a 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 report before the respondent police daily at 06.00 p.m., for a period of two weeks and thereafter every monday at 6.00 p.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.

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

-sd/-

06/08/2020

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-I,
CHIDAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANNAMALAINAGAR POLICE STATION,
CUDDALORE DISTRICT.

CC to M/S.M.VIJAYA RAGAVAN Advocate on payment of necessary charges

CRL OP.11514/2020

Date :06/08/2020

TA-21/09/2020