

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11072 of 2020

M.Chandramohan,
S/o.K.K.Mani,
No1, 2nd Street, Shanthi Nagar,
Krishnagiri,
Krishnagiri District

... Petitioner

Vs.

The State Represented by :-
The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri.
Crime No. 5 of 2020

... Respondent

Prayer: Criminal Original Petitions filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
by the respondent police in Crime No. 5 of 2020, on the file of the
respondent Police.

For Petitioner : Mr.C.Samivel

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

O R D E R

(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
294(b) & 505(1)(b) IPC in Crime No.5 of 2020, on the file of the
respondent police, seeks anticipatory bail.

2. The case of the prosecution that the petitioner is alleged to
have demanded bribe, by making false representation that the
Government Officials have demanded bribe for issuing death
certificate, thereby the case has been registered against him.

3. The learned counsel appearing for the petitioner would submit
that the petitioner is the President of Consumer Protection
Association, Krishnagiri. The petitioner is an innocent person and
he has been falsely implicated in this case and there is no previous
case against the petitioner. He would further submitted that this a
second anticipatory bail petition and the earlier anticipatory bail
petition was granted by this Court in Crl.OP.No.6183 of 2020 dated
17.03.2020, due to Covid-19, the petitioner could not comply with the

conditions imposed by this Court and the anticipatory bail petition got cancelled automatically. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent would submit that the petitioner demanded the amount of Rs.5,000/- on behalf of the Government Officials for issuing the death certificate. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date on which order copy made ready, before the learned Judicial Magistrate No.I, Krishnagiri, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30a.m until further orders.

[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.

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

-sd/-
28/07/2020

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, KRISHNAGIRI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI,

CC to M/S. C.SAMIVEL Advocate on payment of necessary charges

CRL OP.11072/2020

Date :28/07/2020

RD 27/08/2020

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