IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.08.2020

CORAM :

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

Crl.O.P.No.11427 of 2020

I.Ajay
S/o Iyyappan ... Petitioner

Vs.

State represented by
The Inspector of Police,
R-7, K.K.Nagar Police Station,
Chennai District. ... 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 concerned in Cr. No.766 of 2020 on the file of the Inspector of Police, R-7, K.K.Nagar Police Station, Chennai or any other police authorities which is under the control of Commissioner of Police, Chennai.

(ii) or any other orders as deem fir and proper in the circumstances of these case.

For Petitioner : Mr.V.Ramesh Babu

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

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 341, 294(b), 323, 353, 506(ii) of IPC and Section 3 of Public Property Prevention Damage Act in Crime No.766 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Vennila, Assistant Engineer, Corporation, is that on 03.07.2020, the petitioner along with other accused was consuming liquor in the Corporation park during lockdown. When the same was questioned, the accused persons had gone to the Zonal Office, threatened the Corporation Officials with knife and stick, assaulted the employess and also damaged the window panes. Hence, the complaint.

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3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case since, he happens to be the friend of other accused and this Court may take into consideration the age of the petitioner and grant anticipatory bail to him.

4. The learned Additional Public Prosecutor submitted that the petitioner along with other accused was consuming liquor in the Corporation park during lockdown. When the same was questioned, the accused persons have gone to the Zonal Office, threatened the Corporation Officials with knife and stick, assaulted the employess and also damaged the window panes wroth Rs.1000/-. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.1000/- (Rupees One Thousand Only) to the credit of Crime No.766 of 2020 on such deposit, 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 lockdowm or commencement of Court's normal functioning whichever is earlier, before the XXIII Metropolitan Magistrate. Saidapet, Chennai, 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 10.30 a.m. until further orders.

[c] the final order in respect of the said deposit shall be passed by the learned Magistrate at the conclusion of trial.

[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

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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.

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

-sd/-
04/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XXIII,SAIDAPET,CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
R-7, K.K. NAGAR POLICE STATION,
CHENNAI DISTRICT.

CC to V.RAMESH BABU Advocate on payment of necessary charges

CRL OP.11427/2020

Date :04/08/2020

RD 04/09/2020

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