

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 18.08.2020

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL. O.P. NO. 11945 OF 2020

Rama Manikandan

.. Petitioner

- Vs -

The State, rep. by
The Inspector of Police
District Crime Branch
Thiruvavarur District.

.. Respondent

Criminal Original Petition filed u/s 438 of the Criminal Procedure Code praying this Court to enlarge the petitioner on bail in the event of arrest pending investigation in Crime No.2 of 2020 on the file of the respondent police.

For Petitioner : Ms. Greetha Senthilkumar

For Respondents : Ms. Saratha Devi, GA (Crl. Side)

ORDER

The petitioner is A-1 in the above crime, which was registered by the respondent police against the petitioner and two other persons on the that they were in possession of printed fake Voter ID Cards printed by the Government. The petitioner apprehends arrest at the hands of the respondent police for the alleged offence u/s 464, 465, 468, 471 and 420 IPC. It is the case of the petitioner that he is innocent and that he has been falsely implicated in the present case. Therefore, the present application for anticipatory bail by the petitioner.

2. Learned counsel appearing for the petitioner submitted that this is the third anticipatory bail application filed by the petitioner. The other accused, viz., A-2 and A-3 have already been enlarged on bail and, therefore, this Court, considering the abovesaid fact, as also the present pandemic situation, may sympathetically consider the case of the petitioner for grant of anticipatory bail. On instruction, it is further submitted that the petitioner is ready and willing to pay a sum of Rs.1,00,000/- (Rupees One Lakh only) as donation to the Adyar Cancer Institute, Chennai, for the purpose of treatment to be given to cancer patients.

3. The learned Government Advocate (Crl. Side) vehemently opposed the petition and submitted that the offence committed by the petitioner is grave and, therefore, this Court may not grant the relief sought for by the petitioner.

4. This Court heard the learned counsel on either side and also also perused the materials available on record.

5. The facts in issue are not in dispute. Earlier bail applications filed by the present accused, who is A-1 in the abovesaid crime, were dismissed by this Court. It is also not disputed by the learned Government Advocate that the other accused, viz., A-2 and A-3 have been enlarged on bail.

6. The first of the anticipatory bail petition in Crl.O.P.No.4491 of 2020 was dismissed by this Court on 27.2.20 and, thereafter, the second bail petition in Crl.O.P.No.8906 of 2020 was dismissed on 18.6.20. In spite of the dismissal of the earlier bail applications, the petitioner is still at large and has not been apprehended by the police. In this backdrop, after a lapse of around six months from the date of dismissal of the first bail application and two months from the date of dismissal of the second bail application, the present anticipatory bail application has been once again moved by the petitioner.

7. In spite of a lapse of almost six months from the date when the first of the bail application filed by the petitioner was dismissed, the attitude of the police reflects in not having arrested the petitioner till date. The act of the police reveals that no steps have been taken to apprehend the accused till date. For almost six months, the petitioner having not been apprehended by the police clearly puts the matter in a different light from the time the anticipatory bail was petition was initially dismissed by this Court. On an overall consideration of the matter, in the light of the above factual position, this Court is of the considered view that all is not well with the investigation agency. However, the fact remains that the other accused, viz., A-2 and A-3 have been enlarged on bail by this Court. In such view of the matter, this Court is of the opinion that the petitioner could be granted bail on imposition of costs.

8. Since the petitioner himself has come forward to pay an amount of Rs.1,00,000/- (Rupees One Lakh only) as placed by the learned counsel for the petitioner, on instructions, the said statement made by the learned counsel is placed on record.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvavur, 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 concerned Judge and on further condition that:-

(a) the petitioner shall pay a cost of Rs.1,00,000/- (Rupees One Lakh only) to the Cancer Institute WIA, Adyar, Chennai, and produce the receipt of payment before the learned Magistrate at the time of his surrender.

(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 10.00 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

(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 229-A IPC.

-sd/-
18/08/2020

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,
THIRUVARUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVARUR DISTRICT.

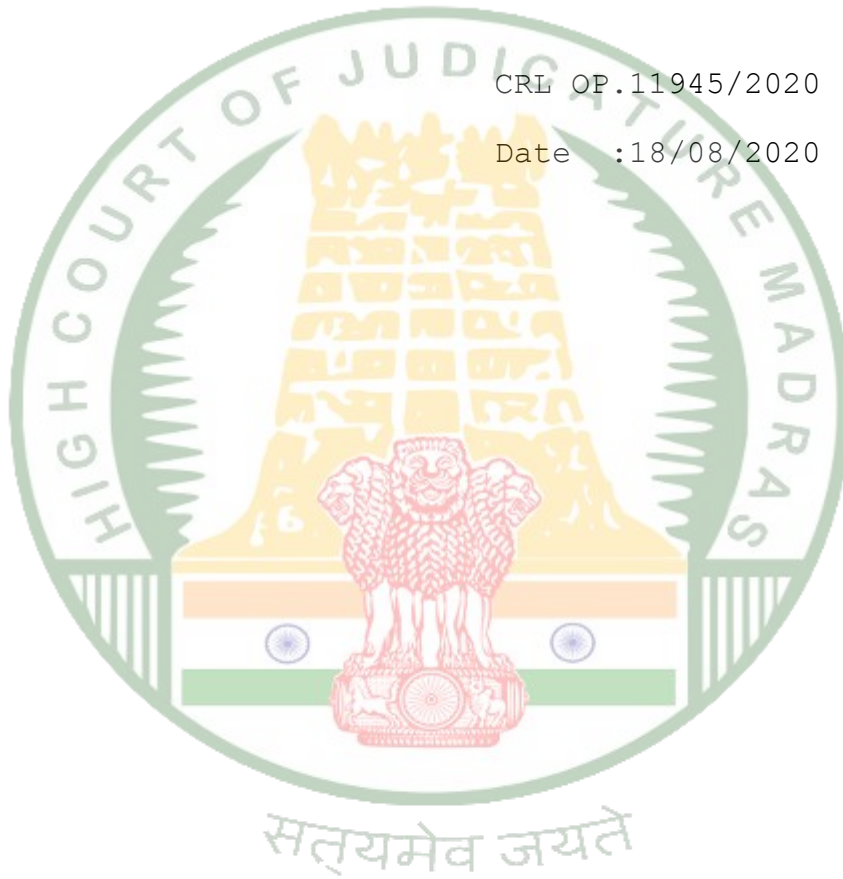
4 THE CANCER INSTITUTE WIA,
ADYAR, CHENNAI.

CC to M/S. GREETHA SENTHILKUMAR Advocate on payment of necessary
charges

CRL OP.11945/2020

Date :18/08/2020

cs 22/09/2020



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