

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P.No.11669 of 2020

M.Bharathi Mohan, (M/aged 28 years),
S/o.Madhavan,
Podur Village,
Pennagaram Taluk,
Dharmapuri District. .. Petitioner/ 1st Accused

Vs.

The Inspector of Police,
Anchetty Police Station,
Krishnagiri District.
(Crime No.17/2020) .. Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on Anticipatory Bail in the event of arrest in Crime No.17 of 2020 pending on the file of the Inspector of Police, Anchetty Police Station, Krishnagiri District.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.M.Jothikumar
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for alleged offence punishable under Sections 392 and 397 of Indian Penal Code in Crime No.17 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that, the defacto complainant and his friends were going to visit Hogenakkal Falls. The petitioner and one Karthikeyan came in a two wheeler waylaid them informing that they are Police and demanded for documents. After verification of the documents, they demanded Rs.20,000/- from the defacto complainant and his friends. When the defacto complainant and others refused to give the said amount, the petitioner and other accused threatened the defacto complainant and others with knife and forcefully, have taken Rs.10,000/- from them. On complaint, case has been registered under Sections 392 and 397 of Indian Penal Code.

3.The learned counsel appearing for the petitioner submitted that petitioner is working as Havildhar in Hosur Police Station. There is enmity between the respondent Police and the petitioner and due to that, the petitioner has been falsely implicated in this case. The petitioner has not committed any offence as alleged by the prosecution. The co-accused was arrested and enlarged on bail. The investigation is completed and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner is a Police man and he has committed an offence of robbery and threatened the defacto complainant and others. The investigation is still pending and prayed for dismissal of the petition.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6.Taking into consideration the date of occurrence, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance within 15 days from the date of receipt of a copy of this order before the Court of the District Munsif cum Judicial Magistrate, Denkanikottai, Krishnagiri District, 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 Judicial Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(i) the petitioner and the sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

(ii) the petitioner shall report before the respondent Police daily at 10.30 a.m, until further orders.

(iii) the petitioner shall not abscond either during investigation or trial. The petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the concerned 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, reported in **2005 AIR SCW 5560 (P.K. Shaji vs. State of Kerala)** and

(v) If the petitioner thereafter absconds, a fresh First Information Report shall be registered, under Section 229A of I.P.C.

7. Accordingly, this Criminal Original Petition is allowed.

28.08.2020

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Index : Yes / No

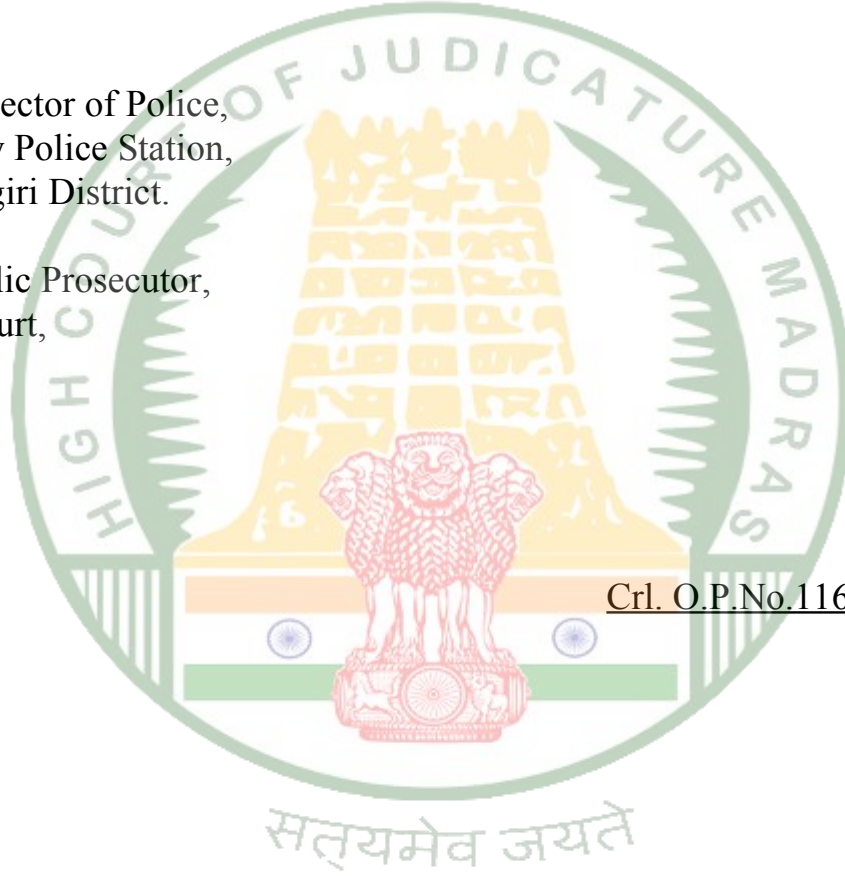
Internet : Yes / No

V.M.VELUMANI, J.,

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To

- 1.The Inspector of Police,
Anchetty Police Station,
Krishnagiri District.
- 2.The Public Prosecutor,
High Court,
Madras.



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