

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11848 of 2020

Anvardeen

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Varanjaram Police Station,
Kallakurichi.
(Crime No.425 of 2017)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner in the event of his arrest by the respondent police in Crime No.425 of 2017 on the file of the respondent police.

For Petitioner : Mr.G.Mohammed Aseef

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

ORDER

(The case has been heard through video conference)

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 447, 434 and 506(1) in Crime No.425 of 2017 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein calling himself as Wakf Inspector stated that the disputed property belongs to the Wakf Board and also warned the VAO to remove the foundation stones. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the defacto complainant is the VAO. On 06.09.2017, the petitioner herein calling himself as Wakf Inspector stated that the disputed property belongs to the Wakf Board and also warned the VAO to remove the foundation stones. He further submitted that there are no previous cases pending as against the petitioner and also submitted that the investigation is completed. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, **within a period of fifteen after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, before the **learned Judicial Magistrate No.I, Kallakurichi**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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:

[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., for a period of two weeks and thereafter, every Monday at 10.30 a.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**

[f] If the accused thereafter abscond, 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 NO.I,
KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VARANJARAM POLICE STATION,
KALLAKURICHI.

CC to M/S.G.MOHAMMED ASEEF Advocate on payment of necessary charges

CRL OP.11848/2020

Date :06/08/2020

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