

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.12155 of 2020

R.Ajith

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Thiruchengodu Town Police Station,
Namakkal District.
Crime No.17 of 2020. Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in
Crime No.17 of 2020 on the file of the respondent police.

For Petitioner : M/s.K.Kannan
S.Marshall

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 341 and 387 IPC, in Crime No.17 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that A1 demanded money from the defacto complainant and when he refused, he along with A2 and A3 forcibly took Rs.500/- from the pocket of the defacto complainant. Hence the complaint.

3. The learned Counsel for the petitioner submitted that this the second anticipatory bail application and submitted that the earlier application for anticipatory bail was dismissed in CrI.O.P.No.5208 of 2020 on 13.03.2020 since it was submitted by the respondent police that the petitioner is a history sheeter. He would submit that there are only two previous cases registered against the petitioner in which one is under Section 75 of the City

Police Act and another case is registered for the offences punishable under Section 323 IPC. In respect of the second case, the petitioner has filed CrI.O.P.No.18058 of 2019 and this Court has quashed the proceedings based on compromise and the allegations that the petitioner is a history sheeter is wrong.

4. The learned Additional Public Prosecutor would submit that A1 demanded money from the defacto complainant and A1 along with the other accused forcibly grabbed Rs.500/- from the pocket of the defacto complainant. He would submit that the case registered in Cr.No.165 of 2019 had been quashed based on compromise and in respect of the case registered under Section 75 of the City Police Act, the petitioner has paid the fine. However, he opposed for grant of 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 arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Tiruchengode, Namakkal District on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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 daily 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 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
13/08/2020

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,
TIRUCHENGODE, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUCHENGODU TOWN POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S.KANNAN K. Advocate on payment of necessary charges

CRL OP.12155/2020

सत्यमेव जयते Date :13/08/2020

TA-07/09/2020

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