

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2020

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 12586 of 2020

C. Vasanth

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Thirunindravur Police Station
Thiruvallur District
Cr. No.125 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 his arrest in Crime No.125 of 2020 on the file of the respondent police.

For Petitioner : M/s. T.Gnanabanu &
G.Gubendiran

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 384 and 506(i) of IPC in Crime No.125 of 2020 seeks anticipatory bail.

2. The case of the prosecution is that a complaint has been lodged by the defacto complainant on 20.03.2020 for the occurrence took place on 15.11.2019 alleging that the petitioner along with the other accused threatened the defacto complainant and also demanded Rs.5,00,000/-.

3. The learned counsel for the petitioner would submit that the complaint has been lodged due to previous enmity. In fact, the defacto complainant has put up an illegal construction without any prior permission and plan and the petitioner has collected evidence through RTI and also made representation to the District Collector to take necessary action as against the defacto

complainant on 17.03.2020. In fact he has also filed a Public Litigation Petition before this Court in W.P.(SR) No.36446 of 2020 and due to Covid-19 lockdown, it is pending for admission. Due to this, a false complaint has been filed by the defacto complainant that the petitioner and the other accused demanded Rs.5,00,000/-.

4. The Additional Public Prosecutor would submit that the petitioner is a law student and he was involved in a murder case and it has been disposed of. He would further submit that the petitioner along with the other accused demanded Rs.5,00,000/- from the defacto complainant to continue the construction put up by the defacto complainant and if the same is not paid he will file a writ petition before this Court. This is the 2nd anticipatory bail application filed before this Court and hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

6. Considering the above fact and circumstances of the case this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Thiruvallur, 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. and 05.00 p.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.

-sd/-
20/08/2020

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.II,
THIRUVALLUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THIRUNINDRAVUR POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.T.GNANA BANU Advocate on payment of necessary charges SR.NO. 5984

WEB COPY

CRL OP.12586/2020

Date :20/08/2020

GKS:14/09/2020