

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.12551 of 2020

Vijayan @ Vijay

... Petitioner

Vs.

The State rep by
The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.
(Crime No.4178/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of their arrest in Crime No.4178 of 2020 pending on the file of the respondent police.

For petitioner : Mr. D.Saravanan

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

O R D E R

(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 147, 148, 427, 384, 324 & 506(ii) IPC, in Crime No.4178 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de facto* complainant is that the petitioner along with the other accused have demanded money of Rs.50,000/- from the *de facto* complainant as mamool and threatened him with dire consequences.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been practising as advocate and he is also a social worker and distributing the corona relief material to the general public. He further submitted that the petitioner had contested in local body election and also participated in several agitations and last year he had agitated against setting of wine shop in his village and due to which false complaint is given against the petitioner as if the petitioner had demanded money from the *de facto* complainant. Hence, he seeks anticipatory bail.

4. Learned Additional Public Prosecutor would submit that the petitioner along with other accused have threatened the de facto complainant who is running granite company and demanded money. He further submitted that there are no previous cases as against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that there are no previous cases pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

[a]. 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 No.II, Ponneri, 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:

[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 everyday at 10.30 a.m. for a period of one week and thereafter, as and when required for interrogation, until further orders.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
26/08/2020

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,
PONNERI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
E-5, SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S.D.SARAVANAN Advocate on payment of necessary charges

CRL OP.12551/2020

Date :26/08/2020

MK:09/09/2020

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