

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.12555 of 2020

Kumaresan

... Petitioner/Accused No.2

Vs.

State rep. by its ...Respondent/Complainant
The Inspector of Police,
Nemili Police Station
Vellore District.
(Crime No. 381 of 2020.

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in connection with in Crime No. 381 of 2020 pending on the file of respondent police.

For Petitioner : Mr. D.Dayalan

For Respondent : Mr. K.Prabakar
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 452, 324, 307 & 506(ii) of IPC, 1860 in Crime No.381 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that he is running a Grocery store and that during the night hours, the first accused had come to the house of the defacto complainant and demanded an amount of Rs.5,00,000/- stating that he was facing some financial crunch and since it was refused, the first accused had assaulted him with knife saying that he was instigated by Kumaresan.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person due to political motive, a false case has been registered against him and he has not committed any

offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the first accused had entered into the house of the defacto complainant demanded loan of Rs.5 lakhs and assaulted him on instructions from the present petitioner.

5. Taking into consideration the facts and submissions of the learned Counsels, 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **Judicial Magistrate, Arakkonam**, 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 his Aadhar card or Bank pass Book to ensure his 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 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/-
19/08/2020

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,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
NEMILI POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.12555/2020

सत्यमेव जयते Date:19/08/2020

TA-14/09/2020

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