

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.13078 of 2020

1. Dhanush @ Mani
2. Jayaprakash

... Petitioners

Vs.

The State rep by
The Inspector of Police,
S-1, Mount Police Station,
Chennai.

Crime No.618 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.618 of 2020 on the file of the respondent police.

For Petitioners : Mr.J.P.Ravivarman

For Respondent : Mr.M.Mohammad Riyaz
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 395, 397 and 307 IPC, in Crime No.618 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that while the defacto complainant's son and his friend were returning from the office, the petitioners waylaid and attacked them with sharpened weapons and committed robbery of mobile phones. Hence the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He would submit that on the earlier occasion the petitioner has preferred bail application in Crl.O.P.No.11790 of 2020 and the same was dismissed on the ground that the petitioners are stated to have been involved in Crime No.343 of 2020. As far as Crime No.343 of 2020 is concerned, it has happened in their locality and there was

dispute between the two criminals and the petitioner's name had been unnecessarily dragged into the case because they are friend of one Vaandumani. He would further submit that the petitioners are ready to appear before the respondent at any time and abide by any stringent conditions that is imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the while the defacto complainant's son and his friend were returning from the office, the petitioners waylaid and attacked them with sharpened weapons and committed robbery of mobile phones. He further submitted that this is the second anticipatory bail application and the earlier petition was dismissed on 07.08.2020. However, he opposed for grant of bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners are aged 19 years and they have been unnecessarily roped in this case and they are prepared to abide by any stringent conditions that is imposed.

6. This Court has perused the FIR in Crime Nos.343 and 618 of 2020 and taking into consideration the facts and submissions of the learned Counsel and the age of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their 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-I, Alandur on condition that the petitioners 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 petitioners 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 petitioners shall report before the respondent daily at 10.30 a.m. until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
27/08/2020

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-I,
ALANDUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
S-1, MOUNT POLICE STATION, CHENNAI

+1 CC to M/S.J.P.RAVIVARMAN Advocate on payment of
necessary charges SR.NO. 6063

CRL OP.13078/2020

Date :27/08/2020

GKS:03/09/2020