

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12811 of 2020

Dinesh Kumar

... Petitioner/Accused No.3

Vs.

The State represented by,
The Inspector of Police,
S-11, Tambaram Police Station,
Chengalpattu District.

Crime No.1044 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of their arrest in Crime No.1044 of 2020 on the file of S-11, Tambaram Police Station, Chengalpattu District.

For Petitioner : Mr.D.Magesh

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

O R D E R

(The 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 341, 384 and 506(ii) of IPC in Crime No.1044 of 2020, in Crime No.1044 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Huj Mohammed is that while he went to the shop, the petitioner and co-accused have threatened him and demanded a sum of Rs.500/- from him at the knife point. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and that he and co-accused have been arrested and enlarged on bail by the

Judicial Magistrate No.1 in CrI.M.P.No.1246 of 2020, dated 12.06.2020. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and co-accused have threatened the defacto complainant and demanded a sum of Rs.500/- from him at knife point. He would submit that no one has sustained injuries and that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5 Heard the Counsels. Perused the F.I.R

6 Taking into consideration the facts and submissions of the learned Counsel and the fact that no one has sustained injuries, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7 Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Tambaram, on condition that the petitioner shall execute a separate 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 every day at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[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.

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

-sd/-
21/08/2020

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.I,
TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
KANCHEEPURAM DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT,MADRAS.

4 THE INSPECTOR OF POLICE,
S-11, TAMBARAM POLICE STATION,
CHENGALPATTU DISTRICT.

+1 CC to M/S.D.MAGESH Advocate on payment of necessary charges SR NO. 6001

CRL OP.12811/2020

Date :21/08/2020

GKS:27/08/2020