

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.12779 of 2020

P.Ajith @ Ajith Kumar A5 (M/24),

S/o.Pappu,

No.68/18 J R Street,

Sathuvacheri,

Vellore District.

... Petitioner/5th Accused

Vs.

The State represented by,

The Inspector of Police,

Sathuvacheri Police Station,

Vellore District.

(Crime No. 62/2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest at the hands of the respondent police in connection with Crime No. 62/2020.

For Petitioner : Mr.K.Thangamani

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 147, 148, 294(b), 386, 506(ii) of IPC, in Crime No.62 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that the petitioner along with other accused who is the associate of one notorious rowdy, Vasool Raja, have demanded money by threatening the defacto complainant with a video call of their leader and demanded an amount of Rs.1,00,000/- and when the defacto complainant has refused, they have assaulted him. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner is a driver and that on the particular day, the other accused have taken him along with them in the car and without of his knowledge they have gone and have committed the said offence. He would submit that the arrested accused have been enlarged on bail and that there is no previous case pending against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor would submit that the petitioner is an associate of Vasoor Raja, who is now in jail, through video call, they have threatened the defacto complainant and demanded a sum of Rs.1,00,000/- as mamul since it was refused by him, they have assaulted him with hands. He would further submit that there is no previous case pending against him. Hence, he opposed to grant bail to the petitioner.

5 Taking into consideration the facts and submissions made by the learned counsel, considering the fact that there is no previous case pending against the petitioner and that the arrested accused have been enlarged on bail, 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 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.V, Vellore, 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., and 05.30 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

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

7 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.V, VELLORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to K.THANGAMANI Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.12779/2020

Date :21/08/2020

RD 10/09/2020

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