

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13155 of 2020

1.Karthik

2.Settu @ Rajesh

... Petitioners

Vs.

The State Rep.by,

The Inspector of Police,

J-3 Guindy Police Station,

Chennai 32.

Crime No.727 of 2020

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 482 Cr.P.C., to grant anticipatory bail to the petitioners, in the event of their arrest in Cr.No.727 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.J.William Shakesphere

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 323, 384 and 506(ii) of IPC, in Crime No.727 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant Sollarasu is that the petitioners are running a water business and that on 27.07.2020, the petitioners waylaid him and robbed an amount of Rs.6,000/- from him and also abused him with filthy languages. Hence, the complainant.

3.The learned counsel for the petitioner would submit that the petitioners are innocent and they have been falsely implicated in this case, due to business rivalries. He would submit that the defacto complainant is a driver of water can van which belonging to Jacob and Rajini who are rowdy elements in the locality and several cases are pending against them. The said Jacob is also the District Secretary of a political party and that they had supplied water cans of inferior quality and it was questioned by the petitioners, a false complainant has been given against them. He would further submit that the petitioners are prepared to appear before the respondent Police for any kind of enquiry.

4.The learned Additional Public Prosecutor would submit that the petitioners waylaid and threatened the defacto complainant and robbed an amount of Rs.6,000/- from him. He would further submit that there is one previous case pending against them in the year 2019.

5.Taking into consideration the facts and circumstances of the case and submissions made by the learned counsel, 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 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 IX Metropolitan Magistrate, Saidapet, Chennai 15, on condition that each petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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 police 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 METROPOLITAN MAGISTRATE NO.IX,
SAIDAPET, CHENNAI-15.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
J-3, GUINDY POLICE STATION, CHENNAI-32.

CC to M/S.J.WILLAM SHAKESPHERE Advocate on payment of
necessary charges

CRL OP.13155/2020

Date :27/08/2020

MK:11/09/2020