

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 13338 of 2020

Venkatesh @ Venkatesan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Panamarathupatti Police Station,
Salem District.
(Crime No.352/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No. 352 of 2020, on the file of the respondent police.

For Petitioner : Mr. T.Ganesan

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

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hand of the respondent for the offence punishable under Section 454 and 511 IPC in Crime No.352 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that on 06.08.2020, an unknown person attempted to open his house door and on shouting of his neighbours, the accused ran away from the house. Hence the complaint.

3. Learned counsel for the petitioner would submit that the petitioner is the resident of that area and the de facto complainant has suspected that the petitioner is the person who attempted to open the door. He would further submit that petitioner is innocent and has not committed any offence as alleged in prosecution and has been falsely implicated in this case and the petitioner is ready to report before the respondent police for enquiry. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. Learned Additional Public Prosecutor would submit that the petitioner had attempted to open the de facto complainant's premises and escaped on alarmed by the neighbours. He would submit that there are no cases pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submission made by the counsel, this Court is inclined to grant anticipatory bail to the petitioner on the following conditions:

[a]. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his 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 No.I, Salem, on condition that the petitioner shall execute a 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:

[b] 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.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] 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/-
01/09/2020

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, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSEPCTOR OF POLICE,
PANAMARATHUPATTI POLICE STATION,
SALEM DISTRICT.

CC to M/S. T.GANESAN Advocate on payment of necessary charges

CRL OP.13338/2020

Date : 01/09/2020

cs 16/09/2020

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