

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13487 of 2020

B.Vijay @ Linguswamy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thudiyalur Police Station,
Coimbatore District.
(Crime No. 89 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.89 of 2020 on the file of the Inspector of Police, Thudiyalur Police Station, Coimbatore District.

For Petitioner : Mr.K.Balasubramanian

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 hands of the respondent police for the alleged offences punishable under Sections 147, 148, 324, 307 IPC r/w Section 3(1) of Prevention of Damage to Public Property Act in Crime No. 89 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 16.02.2020, at evening, the petitioner along with other accused came to the bar attached to the TASMACH shop, owned by one Thangam, in which the defacto-complainant is working as a cashier, and threatened and attacked the de-facto complainant and also damaged the properties i.e. chair and table of the bar.

3. The learned counsel appearing for the petitioner would submit that already the petitioner was granted anticipatory bail by this court in Crl.O.P.No.4711 of 2020 on 16.03.2020, and due to the covid pandemic he was unable to comply the bail condition and the earlier

order got lapsed and hence, he filed this second petition for grant of anticipatory bail to the petitioner.

4. Taking into consideration the submissions of the learned counsel appearing for the petitioner and also the fact that already the petitioner was granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

5. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) to the credit of Crime No.89 of 2020, within a period of four weeks from the date of which the order copy made ready, and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Coimbatore, 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 stands 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 two weeks and thereafter every Monday 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.

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

-sd/-
02/09/2020

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, COIMBATORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THUDIYALUR POLICE STATION,
COIMBATORE,
COIMBATORE DISTRICT.

CC to M/S.K.BALASUBRAMANIAM Advocate on payment of necessary charges

CRL OP.13487/2020

Date :02/09/2020

RD 14/09/2020

WEB COPY