

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.09.2020
CORAM
THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA
CRL.O.P.No.14192 of 2020

1.Danesh @ Mani
S/o.Anandan

2.Jayaprakash
S/o.Arjunan

... Petitioners

Vs.

The State by
Inspector of Police (Crime)
J-3, Guindy Police Station,
Chennai.
(Crime No.490/2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
to enlarge the petitioners on bail in the event of arrest in Crime
No.490 of 2020 on the file of the respondent.

For Petitioner : Mr.J.P.Ravivarman

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the
respondent police for the offence punishable under Sections 143,
148, 294(b), 397, 506(2), 270 of IPC in Crime No.490 of 2020, on the
file of the respondent police seeks bail.

2.The case of the prosecution as per the defacto complainant
Madhav is that on 29.05.2020, the petitioners along with other
accused waylaid the defacto complainant, assaulted him with Machete
and robbed Rs.5,000/- and also a cell phone from him. Hence, the
complaint.

3.The learned counsel appearing for the petitioners would submit
that the petitioners are innocent and they have been falsely
implicated in this case since, they happen to be the friend of one

Vandumani. Even in the F.I.R., the defacto complainant has stated that the details of the accused are not known. Whereas, on 30.05.2020, the respondent police arrested one Vandumani and he was assaulted by the Police due to which, his leg got fractured and that based on the confession recorded from him, the petitioners were implicated in this case. He would further submit that the said Vandumani has been granted bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioners are the associates of one Vandumani against whom seven cases have been registered by the police. He would further submit that insofar as the first petitioner is concerned, he has got two previous cases of similar nature and insofar as the second petitioner is concerned, there is no previous cases against him.

5.Taking into consideration the nature of offence and the fact that the first petitioner has got two previous cases of similar nature, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this Criminal Original Petition stands dismissed insofar the first petitioner is concerned. 6. Insofar the second petitioner is concerned, there is no previous case. Hence, this Court is inclined to grant anticipatory bail to the second petitioner subject to the following conditions:-

[a] Accordingly, the second petitioner is ordered to be released on bail in the event of his arrest by the respondent police or on his appearance, within a period of fifteen days from the date of commencement of Court's normal functioning, before the learned IX Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioner shall execute a 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 daily at 10.30 a.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 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.

-sd/-

17/09/2020

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 METROPOLITAN MAGISTRATE,
NO.IX, SAIDAPET, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE, (CRIME)
J-3, GUINDY POLICE STATION,
CHENNAI

CC to M/S J.P.RAVIVARMAN Advocate on payment of necessary charges

CRL OP.14192/2020

Date :17/09/2020

RD 28/09/2020

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