

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14373 of 2020

Anbu @ Anbarasan

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
Manavala Nagar Police Station
Tiruvallur District.
Cr.No.1815 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.1815 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

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 under Sections 294(b), 353, 307 of IPC, in Crime No.1815 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Natarajan, Sub Inspector of Police, Manavala Nagar Police Station is that on 05.09.2020, he got secret information that three persons created ruckus and caused disturbance to the public. While he has conducted vehicle inspection, two persons came in a Honda CBR two wheeler bearing Registration No.TN 20 CR 7333 in a rash and negligent manner and when the defacto complainant tried to intercept, the persons who came in the bike threatened the police by declaring that they are rowdies in the area and there are several cases against them and one person was apprehended and other persons ran away. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that a reading of the FIR shows that it is a foisted case. Further, he would submit that the petitioner is a law college student and he is doing social activities and he has been implicated based on the confession statement of the arrested accused, and except this case, no other case is pending against him.

4. The learned Additional Public Prosecutor would submit that on the date of occurrence, the petitioner and other accused persons came in a rash and negligent manner in a motor cycle. At that time, when the de-facto complainant attempted to intercept them, the other accused persons have threatened him and one of the accused apprehended and he confessed that he along with the petitioner used to sell the bikes and used the same for purchasing Ganja. He would further submit that no previous case is pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown of the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Tiruvallur, on condition that the petitioner 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:

[b] 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 daily at 10.30 a.m and 5.30 p.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.

[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
23/09/2020

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.II, TIRUVALLUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MANAVALA NAGAR POLICE STATION,
TIRUVALLUR DISTRICT.

CC to M/S C.S.SARAVANAN Advocate on payment of necessary charges

WEB COPY

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Date :23/09/2020

cs 08/10/2020