

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.14942 of 2020

S.Sankarasubramanian

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Puliampatti Police Station,
Erode District.

Crime No.333/2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner in the event of his arrest in connection with the case in Crime No.333 of 2019 on the file of the respondent police.

For Petitioner : Mr.N.Senthilkumar

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 offences punishable under Sections 42 and Section 75 of the Juvenile Justice (Care and Protection) Act, 2015 in Crime No.333 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/ District Welfare officer is that the petitioner was running a children home without obtaining proper permission from the Government. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He further submitted that the petitioner was originally running a home for children in the name of Universal Peace Foundation and it was also registered with the Commissioner of Social Welfare. During the year 2019, the petitioner applied for renewal and the application was pending on the date of inspection and as on date the petitioner's home is registered. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the District Welfare Officer conducted the inspection in the petitioner's home and found that the petitioner was running a home for children without getting appropriate permission from the Government. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of 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 his arrest or on his appearance, **within a period of fifteen days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate, Sathyamangalam, 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, 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 every day at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.**

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
07/10/2020

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,
SATHYAMANGALAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PULIAMPATTI POLICE STATION,
ERODE DISTRICT.

+1CC to M/S.N.SENTHILKUMAR Advocate on payment of necessary charges SR NO.6729

CRL OP.14942/2020

Date :07/10/2020

MK:15/10/2020