

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.16091 of 2020

Iyyappan

... Petitioner

Vs.

The State Represented by,
The Station House Officer,
Railway Police Station,
Chengalpattu Division,
Chengalpattu.
(Cr.No.25 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.25 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.T.Chandramohan

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

ORDER

(This 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, 447, 353 of IPC r/w. 3 (1) of TNPPDL Act 1992, in Crime No.25 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Jayakandhan, Railway staff is that the petitioner caused damages to the compound wall of the Railway property, which is worth about Rs.5,000/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that totally there are five accused persons in this case and the petitioner is arrayed as A2. However, he would further submit that without prejudice to his contentions, the petitioner is prepared to deposit an amount of Rs.2,000/- each to the credit of Crime number to show his bonafides. Hence, he prays for Grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused demolished the compound wall of the Railway property which is worth about Rs.5,600/-. Hence, he vehemently opposed to grant 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 deposit a sum of Rs.2,000/- (Rupees Two Thousand Only) to the credit of crime No.25 of 2020 within a period of fifteen days from the date on which the copy of the order is made ready. On such deposit, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, before the Judicial Magistrate-I, Chengalpattu, 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 Judicial 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 deposit a sum of Rs.2,000/- each to the credit of Crime No.25 of 2020 before the learned Magistrate.

[c] 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 am., 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
12/10/2020

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,
NO.I, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
RAILWAY POLICE STATION,
CHENGALPATTU DIVISION,
CHENGALPATTU.

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

CRL OP.16091/2020

Date :12/10/2020

cs 22/10/2020

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