

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.14910 of 2020

Raja

...Petitioner

Vs.

The State Rep by
Inspector of Police
B-1, North Beach Police Station
Chennai-600 001
(Cr.No.1731 of 2010)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest for the alleged offences under Sections 147, 294b, 323, 379, 427 448, 120(b) and 506(ii) of IPC, in Crime No.1731 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.I.Javid Akbar

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 147, 294(b), 323, 379, 427 448, 120B and 506(2) of IPC, in Crime No.1731 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Gothandaram is that one Ajitha and Esakkimuthu who were tenants under him, trespassed into his property, pushed his aged mother and took away the electronic items on the instigation of one Raja/ the petitioner. Hence, the complaint.

3. The learned counsel for the petitioner would submit that he is an innocent person and he has been falsely implicated in this case. He would further submit that the co-accused has been granted Anticipatory Bail by this Court in CrI.O.P.Nos.14107 and 14308 of 2020 dated 17.09.2020. Hence, he prays for grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that A1 to A3 are tenants under the defacto complainant. The allegation against A1 and A3 is that they have trespassed into the property of the defacto complainant when he was not in station, pushed his aged mother and taken away LED TV, Music Systems and wooden articles from his house. The present petitioner is arrayed as A4 and one Aruna Gandhi who is arrayed as A5 are the brain behind the acts of A1 to A3. Hence, he opposed for grant of anticipatory bail to the petitioner.

6. Heard the learned Counsels and perused the F.I.R.

7. Taking into Consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 from the date of commencement of the Court's normal functioning, before the learned VII Metropolitan Magistrate, George Town, 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/-

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 VII METROPOLITAN MAGISTRATE
GEORGE TOWN, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
B-1 NORTH BEACH POLICE STATION,
CHENNAI-01.

+2 CC to M/S.M.I.JAVID AKBAR Advocate on payment of necessary charges Sr.6404

CRL OP.14910/2020

Date :23/09/2020

RVR 01/10/2020

सत्यमेव जयते

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