

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 15168 of 2020

Rejishkan

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Peralam Police Station,
Thiruvarur District,
(Crime No.1029 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of arrest Crime No. 1029 of 2020, on the file of the respondent police.

For Petitioner : Mr.J. Jawahar

For Respondent : Mr. M. Mohamed Riyqaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 341 and 386 of I.P.C in Cr. No.1029 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Akash is that on 21.05.2020 the petitioner and other accused person way laid the defacto complainant and robbed Rs.2,000/- at knife point and ran away from the scene of occurrence. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. He would further submit that the petitioner and the defacto complainant are known to each other, due to some previous enmity a false complaint has been lodged against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner and 2 other accused persons way laid the defacto complainant and robbed Rs.2,000/- at knife point. However,he opposed to grant of 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 their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thiruvarur on condition that the petitioner shall execute a separate 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 is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate 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.

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

-sd/-

28/09/2020

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,
THIRUVARUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
THIRUVARUR DISTRICT.

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

CRL OP.15168/2020

Date :28/09/2020

RVR 08/10/2020