

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15078 of 2020

Vinoth

... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
Omalur Police Station,
Salem District.
(Cr.No.497/2019)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No.497 of 2019 on the file of Omalur Police Station, Salem District.

For Petitioner : Mr.T.Ganesan

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 punishable under Sections 341, 249(b), 323, 506(ii) and 379 of IPC r/w Section 3 of Tamilnadu Public Property (Prevention of Damages and Loss) Act 1992 in Crime No.497 of 2019, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Venkatesh is that he is working as a driver in Sri Bharathi Travels and on 29.12.2019, when he was on his way to Coimbatore, four persons have waylaid the bus and threatened him that he should not drive the bus in the route. Further, it is alleged that the accused persons have abused him in filthy language and attacked him with legs and have also caused damage to the bus and robbed an amount of Rs.9,000/- from the bus. Thereby, the defacto complainant has sustained injuries. Hence the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and that due to the business rivalry in running omni buses, a false complaint has been given against him. He would submit that originally an application was filed before the learned District and Sessions Judge, Salem in Crl.O.P.No.142 of 2020 and he was granted anticipatory bail on 21.01.2020, however, due to Covid-19, he could not surrender before the Court and thereby, the earlier order got lapsed. Therefore, he has filed present application for anticipatory bail. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that due to business rivalry, the petitioner along with three other accused waylaid the defacto complainant and threatened him not to drive in the route and that they have assaulted him. He would also submit that the injured has been discharged from the hospital and that there is no previous case against him. However, he opposed to grant anticipatory bail to the petitioner.

5 Taking into consideration the facts and submissions made by the learned counsels and also considering the fact that the victim has been discharged from the hospital, 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 order copy made ready, before the learned Judicial Magistrate, Omalur, 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 every day 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
01/10/2020

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,
OMALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
OMALUR POLICE STATION,
SALEM DISTRICT.

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

CRL OP.15078/2020

Date :01/10/2020

cs 07/10/2020