

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. 15833 of 2020

A.Nanjappan

S/o.Appaiyan

... Petitioner/ Accused

Vs.

The State represented by,

The Inspector of Police,

B-1, Dharmapuri Police Station,

Dharmapuri District, Pin: 636701.

[Crime No. 245 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 his arrest by the respondent police in Crime No. 254 of 2020, on the file of the respondent police.

For Petitioner : Mr.S.Chinnasamy

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(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 294(b), 188, 269, 353, 506(2) of IPC, in Crime No. 245 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Sundaramoorthi, Sub-Inspector of Police, is that while he was performing his duties during Covid-19 period under Section 144 of Unlawful Assembly, the petitioner had abused him in filthy language and tried to attack him with iron rod. 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. Hence, he prays for grant of anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor submitted that the petitioner has prevented the defacto complainant from discharging his duties during Covid-19 period. He further submitted that there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5 Taking into consideration of the facts and submissions made by the learned counsels, 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 No.I, Dharmapuri District, 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., for a period of two weeks and thereafter every Monday 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.

07.10.2020

Internet : Yes/No
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To

1.The Judicial Magistrate No.I, Dharmapuri District.

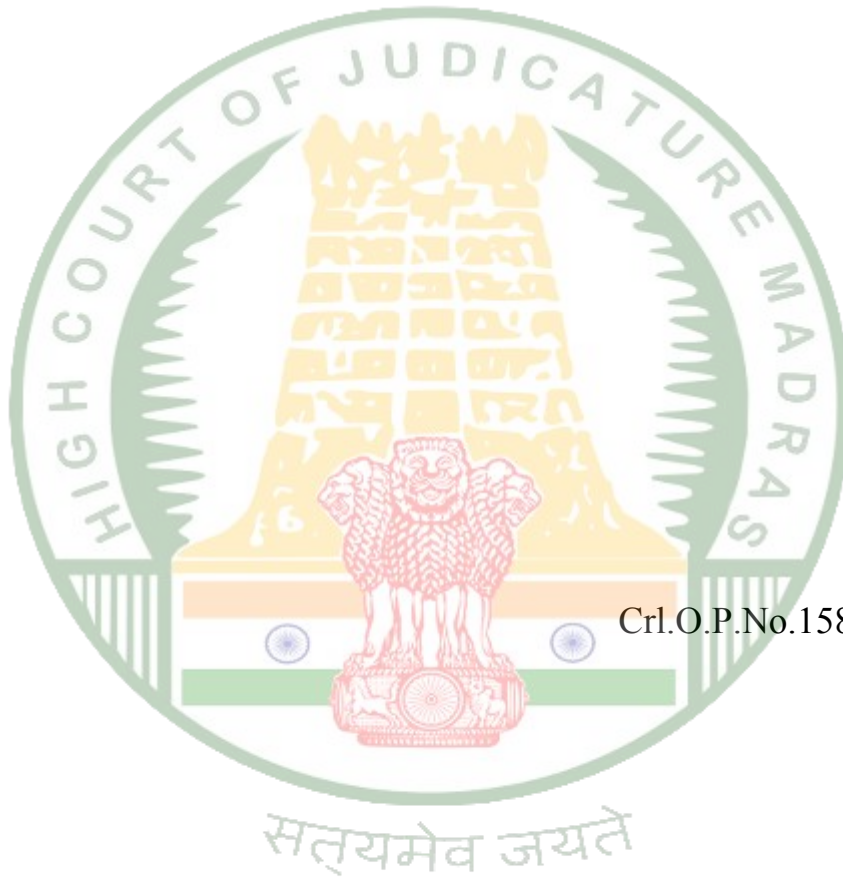
2.The Inspector of Police,

B-1, Dharmapuri Police Station,
Dharmapuri District, Pin: 636701.

3.The Public Prosecutor, High Court, Madras.

A.D.JAGADISH CHANDIRA, J.

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