

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.15710 of 2020

S.Santhanam

... Petitioner

Vs.

The State represented by
The Inspector of police,
Maduranthagam Police Station,
Chengalpattu District.
Crime No.1759 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of arrest in Crime No.1759 of 2020 on the file of the respondent police.

For Petitioner : Mr.E.Ezhil Caroline

For Respondent : Mr.M. Mohamed Riyaz

O R D E R

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 147, 448, 294 (b), 323 and 506 (i) of IPC r/w. 4 of TNPHW Act and 364 and 392 of IPC in Crime No.1759 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant is that due to real estate rivalry, the petitioner had come to the house of the defacto complainant and threatened him and had taken away two iphones and cash of Rs.1,25,000/- and kidnapped one Gowtham, a relative of the defacto complainant and later released him. Hence the complaint.

3. The learned Counsel for the petitioner would submit that a false case has been given due to dispute between the petitioner and the defacto complainant. He would further submit that the petitioner and the defacto complainant are known to each other and he had given a complaint only on business rivalry. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there is no previous case as against the petitioner. He would further submit that the petitioner and the defacto complainant are known to each other. Due to dispute with regard to the registration of the property, the petitioner and others had gone to the office of the defacto complainant and also assaulted him and taken away two iphones and cash of Rs.1,25,000/- and kidnapped the employee of the defacto complainant. Hence, he opposed the grant of anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the 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 his arrest or on his appearance, within a period of fifteen days from the date on which a copy of this order is made ready, 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, Maduranthagam, 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 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 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/-
06/10/2020

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,
MADURANTHAGAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MADURANTHAGAM POLICE STATION,
CHENGALPATTU DISTRICT.

+1CC to M/S.E.EZHIL CAROLINE Advocate on payment of
necessary charges SR NO.6870

CRL OP.15710/2020

Date :06/10/2020

MK:14/10/2020

सत्यमेव जयते

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