

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P.No. 17002 of 2020

Jasper Stone ... Petitioner/Accused
Vs.

The State represented by,
The Inspector of Police (Crime),
F2 Egmore Police Station,
Chennai.

(Crime No. 691 of 2020) ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No.691 of 2020, on the file of the respondent police.

For Petitioner : Mr.M.Rajavelu

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 294 (b) and 393 of IPC, in Crime No. 691 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Suriya Vadhini, WPC.No.40866 is that while she was riding her bike along with her colleague, the accused had come in a motor cycle along with A1 and attempted to snatch the defacto complainant's chain and that the other accused was arrested at the spot and the petitioner had escaped from the place of occurrence. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that while the petitioner was riding his motorcycle along with his friend, there was a wordy quarrel between the defacto complainant and the

petitioner's friend and thereby, a false complaint has been given as if the petitioner had attempted to snatch her chain. He would submit that the defacto complainant is a women constable and using her influence, a case has been registered against the petitioner. He would submit that the petitioner is working as a supervisor and that he has no bad antecedents excepting false case registered against him during the year 2013 when he was 16 years old. He would further submit that the arrested accused have been enlarged on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused had attempted to snatch the chain worn by the defacto complainant, a women constable when she was riding her two wheeler along with her colleague. Hence, he opposed to grant anticipatory bail to the petitioner.

5 At this juncture, the learned counsel appearing for the petitioner would submit that a case of a quarrel during riding a two-wheeler, has been exaggerated as a case of attempt to snatch the chain.

6 Heard both the learned counsel and perused FIR.

7 Taking into consideration of the facts and circumstances of this case and considering the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

8 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 is made ready, before the learned XIV Metropolitan Magistrate, Egmore, Chennai, 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.

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

-sd/-
29/10/2020

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 METROPOLITAN MAGISTRATE NO.XIV,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (CRIME),
F2 EGMORE POLICE STATION,
CHENNAI.

+1CC to M/S.M.RAJAVELU Advocate on payment of necessary charges SR NO.7122

CRL OP.17002/2020

Date :29/10/2020

MK:05/11/2020