

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17051 of 2020

S.Anthony Ascarusso

... Petitioner

- Vs -

State rep. By
The Inspector of Police,
Shankar Nagar Police Station,
Chennai.
(Crime No.938 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 his arrest by the respondent police in Crime No.938 of 2020, on the file of the respondent police.

For Petitioner : Mr.R.Thamarai Selvan

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 offence punishable under Sections 341, 294(b), 392, 397, 506(ii) IPC in Crime No.938 of 2020, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Sesu Manokaran is that he is working as a lorry driver in a Crusher which belongs to one Rulson. On 11.09.2020 at about 11 p.m., while he was in the Crusher, unloading gravel stones, one Sadam Hussain/A1 had come in a Swift car bearing Regn.No.TN-85-K9866 and asked for his owner and demanded mamool for running the Crusher. Thereafter, the accused have threatened the defacto complainant and grabbed Rs.1,200/- from him at knife point.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case on the instigation of the owner of the Crusher due to business rivalry and that the petitioner's name does not find a place in the F.I.R. He would further submit that this is the second application for anticipatory bail and the earlier petition was dismissed as withdrawn on 21.09.2020. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner/A2 along with other accused demanded rowdy mamool from the defacto complainant and criminally intimidated him at knife point and also snatched a sum of Rs.1,200/- from him. He would further submit that though there is no previous case against the petitioner, the arrested accused/A1 is still in custody. Hence, he vehemently opposed for grant of anticipatory bail.

5. Taking into account the nature of offence and the fact that the arrested accused is still in custody, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

-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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 INSPECTOR OF POLICE,
SHANKAR NAGAR POLICE STATION,
CHENNAI.

CC to M/S.R.THAMARAI SELVAN Advocate on payment of necessary charges

CRL OP.17051/2020

Date :29/10/2020

RVR 06/11/2020

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