

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 16580 of 2020

1.Senthamizh Selvan
2.Rafeeq Ahmed

... Petitioners/Accused A3 & A4

Vs.

The State represented by,
The Sub-Inspector of Police,
Sipcot Police Station,
Vellore District.
[Crime No.553 of 2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police in Crime No. 553 of 2020, on the file of the respondent police.

For Petitioners : Mr.G.M.Sankar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 143, 294(b), 447, 427 and 506(i) of IPC and Section 3 of Tamilnadu Property (prevention and damage and loss) Act, 1992, in Crime No. 553 of 2020, on the file of the respondent, seek anticipatory bail.

2 The case of the prosecution as per the defacto complainant is that when he was working as project Manager to construct the Nellikuppam Phase III Project, at SIPCOT, Ranipet, the accused came to the site and threatened him that no one else should take contract for construction within that area and have caused damages to the construction shed, bore well and they have also taken away cement, steel and other construction materials worth about Rs.2,20,000/-. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the the petitioners are innocent persons and that they have been falsely implicated in this case. He would submit that the petitioners are the friends of one Baskar, who is a contractor and that there was a dispute between the said Baskar and the defacto complainant and unnecessarily, the petitioners have dragged into this case. He would submit that the co-accused in this case viz., Baskar and Mahendran were arrested and the said Baskar was enlarged on bail by this Court in CrI.O.P.No.14684 of 2020 on 29.09.2020 and the said Mahendran was enlarged on bail by the leaned Principal Sessions Judge at Vellore in C.M.P.No. 1843 of 2020 on 06.10.2020. He would further submit that there is no previous case pending against the petitioners. Hence, he prays to grant bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners along with one Baskar, who is a notorious rowdy, had threatened the defacto complainant stating that no body should take contract within the industrial area and that the petitioner along with said Baskar had threatened and extracted money from the other persons who had taken contract in that area. He would further submit that as far as these petitioners are concerned there are no previous cases pending against them. However, he opposed to grant anticipatory bail to the petitioners.

5 Heard both the learned counsel and perused FIR.

6 Taking into consideration of the facts and circumstances of the case, submissions made by the learned counsels and considering the fact that the arrested accused have been enlarged on bail and also considering the fact that there are no previous cases pending against them, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7 Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Ranipet, on condition that each 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 petitioners 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 petitioners shall report before the respondent police every day at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

8 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 JUDICIAL MAGISTRATE,
RANIPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
VELLORE DISTRICT.

CC to M/S. G.M.SANKAR Advocate on payment of necessary charges

CRL OP.16580/2020

Date :29/10/2020