

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.16912 of 2020

Gunesh

... Petitioner/Accused No.2

Vs.

State rep. By

The Inspector of Police,

Muthupettai Town Police Station,

Tiruvarur District.

Crime No.2433 of 2020.

... Respondent/Complainant

PRAYER: This Criminal Original Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of his arrest in Crime No.2433 of 2020 on the file of the respondent the Inspector of Police, Muthupettai Police Station, Tiruvarur District.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.Charles Prem

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 alleged offences punishable under Sections 294(b), 352, 427 and 506 (i) of IPC in Crime No.2433 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that as per the First Information Report, the petitioner along with three others have damaged the shop of the de-facto complainant and attacked him with soda bottle causing injury. The other accused in this case are juveniles and they were granted bail. This petitioner is headed the accused team and he is now before this Court seeking anticipatory bail.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected to the case and has been falsely implicated in this case.

4. The learned Additional Public Prosecutor would state that besides offences under Sections 294(b), 352, 427 and 506(i) IPC, taking note of the damage caused to the property of the de-facto complainant, the investigating agency is contemplating to alter the charges for the offence under Section 4 of TNPPDL Act. He also states that this petitioner is also having two more cases registered by the respondent in Crime Nos.227 and 229 of 2019.

5. Taking note of the above facts, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days, before the learned Judicial Magistrate, Thiruthuraipoondi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties, each for a like sum, to the satisfaction of the respondent police or to the satisfaction of the learned Magistrate concerned, as the case may be.

[b] 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.

(c) the petitioner shall report before the Investigation Officer daily at 10.30 a.m. for a period of two weeks and thereafter as and when required. Further the petitioner shall co-operate with the enquiry.

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On failure to comply the condition or 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
22/10/2020

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,
THIRUTHURAIPOONDI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
MUTHUPETTAI POLICE STATION,
TIRUVARUR DISTRICT.

+1CC to M/S.N.PALANIVEL Advocate on payment of necessary charges SR NO.7069

CRL OP.16912/2020

Date :22/10/2020

MK:28/10/2020

सत्यमेव जयते

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