

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17144 of 2020

SANTHAKUMAR

... Petitioner

Vs.

State rep by its,
The Inspector of Police,
ARAKKONAM TOWN POLICE STATION
Vellore District.
[Crime No.268 of 2017]

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with in Crime No.268 of 2017 pending on the file of the respondent police.

For Petitioner : Mr.D.Dayalan

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), 323, 324 & 506(ii) of Indian Penal Code, 1860, in Crime No.268 of 2017, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Chakkaravarthi is that due to previous enmity, the petitioner has assaulted him with Aruval, thereby, he has sustained injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and that due to mistaken of identity, his name has been implicated in this case. He would submit that it is the case of the year 2017 and since the petitioner was not aware of the case, he has not surrendered before the Court and subsequently, he was arrested in Crime No.758 of 2020 by the respondent police and later, enlarged on bail. He would submit that

when the petitioner was arrested, he was informed that a case in Crime No. 268/2017 was registered against him and thereby he had approached this Court seeking for anticipatory bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to previous enmity the petitioner along with two other accused had assaulted the defacto complainant and thereby, he has sustained injuries. He would further submit that the injured has been discharged from the hospital and that it is the case of the year 2017. Hence, he opposed to grant of anticipatory bail petitioner.

5. Taking into consideration of the facts and submissions made by the learned counsel, considering the fact that the case is of the year 2017 and that the petitioner came to know of this case only during subsequent arrest in Crime No.758 of 2020, 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 the order copy made ready, before the learned Judicial Magistrate, Arakkonam, 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., for a period of two weeks and thereafter as and when required for interrogation.

[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.

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

-sd/-
03/11/2020

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,
ARAKKONAM

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARAKKONAM TOWN POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S D.DAYALAN Advocate on payment of necessary charges
SR.No.7210

सत्यमेव जयते

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Date :03/11/2020

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