

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 17567 of 2020

Karthick

... Petitioner/4th Accused

Vs.

The State represented by,
The Inspector of Police,
K-1, Sembium Police Station,
Chennai.

[Crime No. 907 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. 907 of 2020, on the file of the respondent police.

For Petitioner : Mr.A.Saranraj

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 147, 148, 341, 294(b), 336, 392, 397 and 506(ii) of IPC, in Crime No. 907 of 2020, on the file of the respondent, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz., Naveen is that on 29.08.2020, when the defacto complainant was returning from the grocery shop, the accused had waylaid him and one of the accused has proclaiming him to be one Ajith, who had gone to the jail and came back, had threatened the defacto complainant and the other accused have caught hold of him and thereafter, robbed an amount of Rs.1,000/- from the him and by raising his voice, nearby public had tried to apprehend the accused and at that time, the petitioner along with other accused had hurled stones and bottles on the public.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case since he happens to be the friend of one Ajith. He would submit that the petitioner was granted anticipatory bail in Crime No. 904 of 2020, by this Court in Crl.O.P.No.17309 of 2020, dated 06.11.2020. He would further submit the present case has been filed only to detain the first accused viz., Ajith, pursuant to which, the said Ajith had been detained under Act 14, 1982. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that when the defacto complainant was returning from the grocery shop, the accused had waylaid him and by threatening him, had robbed an amount of Rs.300/- from him. He would submit that the petitioner has earlier granted anticipatory bail in Crime No.904 of 2020, by this Court in Crl.O.P.No.17309 of 2020, dated 06.11.2020. However, he opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration of the facts and circumstances of the case and considering submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the V Metropolitan Magistrate, Egmore, Chennai on condition that the petitioner shall execute a 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 daily 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
09/11/2020

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 METROPOLITAN MAGISTRATE
NO.V, EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-1, SEMBIUM POLICE STATION,
CHENNAI.

+1 CC to M/S.A.SARANRAJ Advocate on payment of necessary charges
SR.No.7413

CRL OP.17567/2020

Date :09/11/2020

cs 23/11/2020