

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.17671 of 2020

1. S. Ravi
2. N. Azhvan

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Baluchetty Sathiram Police Station,
Kanchipuram District.
(Cr.No.1671 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Connection with the Crime No.1671 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.T.V.G. Kartheeban

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b) and 506(i) of IPC, in Crime No.1671 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per defacto complainant viz., Subash, who is a Veterinary Doctor is that the second petitioner along with one Vimal and other accused persons waylaid him and abused him with filthy language and also threatened him at knife point. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the second petitioner along with other accused persons waylaid the defacto complainant and assaulted him at knife point. He would further submit that asfar as the first petitioner is concerned he has no previous case and asfar as the second petitioner is concerned he has nine previous cases. Hence, he opposed to grant anticipatory bail to the second petitioner.

5. Taking into consideration the submissions made by the learned Counsel appearing on either side and also the fact that the second petitioner has nine previous case to his credit, this Court is not inclined to grant anticipatory bail to the second petitioner. Hence, this petition is dismissed with regard to the second petitioner. As faras the first petitioner is concerned this Court is inclined to grant Anticipatory bail subject to the following conditions.

6. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate Court No.II, Kanchipuram, on condition that the first 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 first 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 first petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.

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

[d] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first pet 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/-
10/11/2020

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 COURT NO.II,
KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BALUCHETTY SATHIRAM POLICE STATION,
KANCHEEPURAM DIST.

CC to M/S.T.V.G.KARTHEEBAN Advocate on payment of necessary charges

CRL OP.17671/2020

Date : 10/11/2020

MK:24/11/2020

WEB COPY