

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.18584 of 2020

P.Appu @ Arun

... Petitioner

Vs.

The State, Rep. by
The Inspector of Police,
K-3, Amjikai Police Station,
Chennai- 600 029
(Crime No.878 of 2020)

... Respondent

PRAYER: The 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 Crime No.878 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Jaganathan

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor
(Crl.OP.No.18584/2020)

For Respondent : Mr.C.Iyyappa Raj,
Additional Public Prosecutor
(Crl.MP.No.1208/2021)

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 offences punishable under Sections 341, 294(b), 323, 326, 392, 506(2) IPC, in Crime No.878 of 2020, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz. Chellaswamy is that the petitioner along with other accused had waylaid him, threatened him at knife point and also snatched an amount of Rs.450/- from him.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that mere reading of F.I.R. Would go to show that the case has been foisted against the petitioner for the purpose of detaining him under Act 14. Accordingly, prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would vehemently oppose stating that the petitioner is A2 in this case and he along with A1 had waylaid the defacto complainant at knife point and snatched an amount of Rs.450/- from him. He would further submit that A1 in this case has been arrested and enlarged on bail. He would further submit that the petitioner has no previous cases against him.

5. Heard the counsel on either side. Perused F.I.R. and all the materials placed on record.

6. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **(*)V Metropolitan Magistrate, Egmore**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum 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., for a period of two weeks and thereafter on every Monday at 10.30 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.

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

-sd/-

14/12/2020

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.

(*) Satisfaction Court is amended and two weeks time is extended from the date on which the order copy is made ready, to comply with the conditions, as per Order of this Court dated 12.02.2021 made in Crl.MP.No.1208/2021 in Crl.OP.No.18584/2020

TO

**(*)1 THE METROPOLITAN MAGISTRATE,
NO.V, EGMORE.**

2 THE METROPOLITAN MAGISTRATE,
NO.XXI, EGMORE.

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

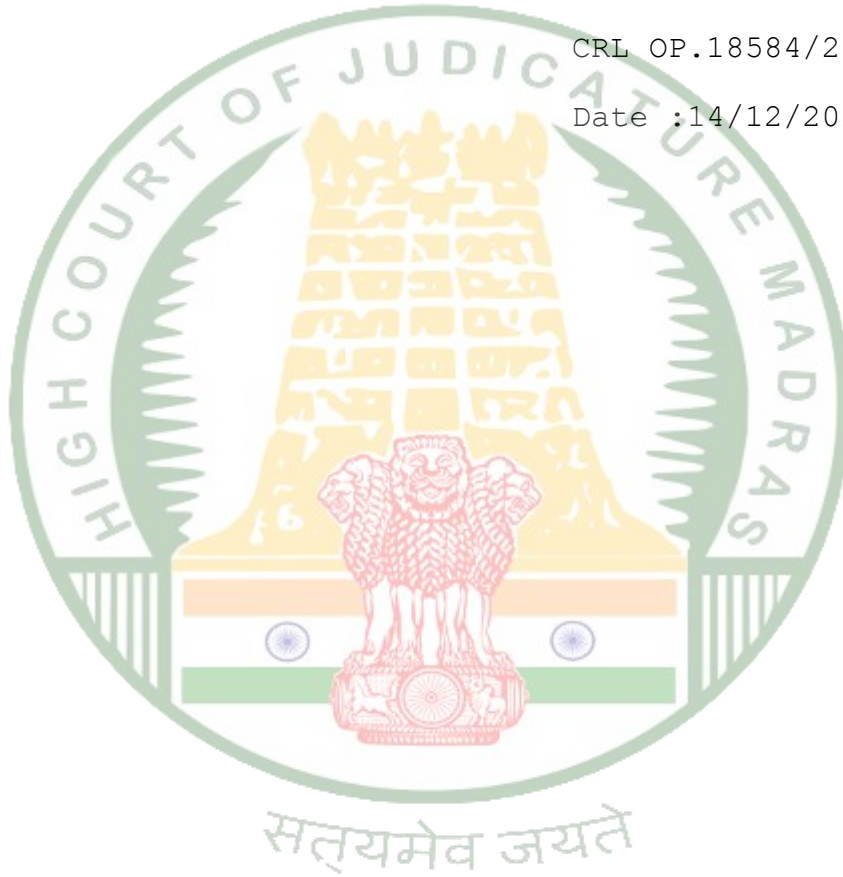
5 THE INSPECTOR OF POLICE,
K-3, AMJIKARAI POLICE STATION,
CHENNAI 600 029.

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

cs 16/12/2020
cs 24/02/2021

CRL OP.18584/2020

Date :14/12/2020



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