

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2020

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19052 of 2020

NANDHA @ NANDHA GOPAL

... Petitioner

Vs.

State Rep by
Inspector of Police
Gudiyatham Taluk Police Station
Vellore District
(Crime No.981 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection in Crime No.981 of 2020 pending on the file of the respondent police.

For Petitioners: Mr.T.Muruganantham

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 448, 435 of IPC and Section 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.981 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the *de facto* complainant Valarmathi is that she is running a grocery shop. While so, on 21.11.2020 at about 9 p.m., the accused had come to her shop and asked for water bottles, glass and Cigarettes on credit basis. When the same was refused, the accused set fire to her shop and caused damage to the value of Rs.2.500/-.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner/A5 along with other accused had asked for water bottles, Glass and Cigarettes from the defacto Complainant on credit basis and when the same was refused, they set fire on the shop of the defacto complainant and caused damage to the value of Rs.2,500/-. He would further submit that there is no previous case against the petitioner.

5. Taking into consideration of the facts and submissions of the learned Counsels and also considering the fact that there is no previous case pending against the petitioner, 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 **learned Judicial Magistrate, Gudiyatham**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 everyday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
17/12/2020

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.

TO

1 THE JUDICIAL MAGISTRATE,
GUDIYATHAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDIYATHAM TALUK POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.19052/2020

Date :17/12/2020

MN-31/12/2020

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