

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2020

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19435 of 2020

Vadivel

... Petitioner

Vs.

State Represented by Inspector of Police
Konganapuram Police Station
Salem District
(Crime No.73 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.73 of 2020 on the file of the Respondent.

For Petitioner : Mr.K.C.Karl Marx

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

O R D E R

(This Case has been heard through video conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b), 385, 506(i) IPC, in Crime No.73 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz. Chennakrishnan is that he is the Regional Secretary to the Tamilnadu State Transport Corporation Employees Housing Association and that the accused is presently working in the transport corporation, due to some disciplinary action, which was taken against him, he was suspended from the services. The further allegation is that the accused was having grievance that he was suspended due to defacto complainant, when the defacto complainant was coming near the By-pass Road in his vehicle, the accused dashed against him, abused and also demanded Rs.5,00,000/- by threatening a defacto complaint that a complaint will be lodged against his wife. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case since the petitioner is having enmity against him. He would further submit that the defacto complainant had indulged in various illegal activities, fearing that the petitioner will give a complaint, a false

complaint has been given against him. He would further submit that there is no injury to the victim and no previous case is pending against the petitioner and the complaint has been given on account of the rivalry in the trade union.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner is the suspended employee of the transport corporation. The petitioner is having apprehension that the defacto complainant is the reason for his suspension, thereby, waylaid the defacto complainant and threatened and abused him that a complaint will be sent against his wife, demanded a sum of Rs.5 Lakhs from him. He would further submit that there is no previous case against him.

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

6. Taking into consideration of the facts and circumstances 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 with certain conditions.

(a) Accordingly, the petitioner is directed 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 is made ready, before the learned Judicial Magistrate, Edapadi, on further condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only), with two sureties each for the 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 automatically;

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner, shall report before the respondent police everyday at 10.30 a.m. until further orders.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] 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/-
21/12/2020

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, EDAPADI

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KONGANANPURAM POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.K.C.KARL MARX Advocate on payment of necessary charges SR.NO.8498

CRL OP.19435/2020

Date :21/12/2020

GKS:04/01/2021

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