

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2020

CORAM

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

CrI.O.P.No.19694 of 2020

M.Jayasuriya

...Petitioner

Vs

The State represented by
The Inspector of Police,
Sathuvacheri Police Station,
Vellore District.
Crime No.436 of 2020. Respondent

Prayer: This petition has been filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in connection with the Crime No.436 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Thangamani

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

ORDER

This case has been heard through video conference

The petitioner who apprehends arrest for the alleged offences under Section 341, 294(b), 323, 324, 397, 506(ii) of IPC., on the file of the respondent in Crime No.436 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that, he was working as a Watchman in Aavin. While he was returning home, the accused who were four in number threatened him at knife point and robbed an amount of Rs.2,000/- and his mobile phone. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. Further, he would submit that the defacto complainant and the petitioner are stated to be strangers and the reading of the FIR shows that it is a false complaint. He would

submit that the arrested accused A1, A2 and A4 were granted bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the other accused were released on bail. He would further submit that this petitioner has no previous case. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Taking into consideration the facts and submissions of the learned Counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of their 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 No-V, Vellore**, 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 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 every day at 10.30 a.m., until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-sd/-
22/12/2020

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,
NO.V, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SATHUVACHERI POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.19694/2020

सत्यमेव जयते Date :22/12/2020

TA-25/01/2021

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