

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.740 of 2021

R.Vijayamoorthi

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
Molasi Police Station,
Namakkal District.
Crime No.20 of 2021

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest pending investigation in Crime No.20 of 2021, on the file of the Respondent police.

For Petitioner : Mr.R.Rajarajan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 269 of IPC read with Section 4(a) of the Explosive Substances Act, 1884, in Crime No.20 of 2021, on the file of the respondent/Police, seeks anticipatory bail.

2.The petitioner is the sole accused. The allegation is that the petitioner, after obtaining a license taking steps to dig a Well in his land using explosive substances. Based on the complaint given by the villagers, crime has been registered.

3.The learned Additional Public Prosecutor would submit that the petitioner, after obtaining permission was taking steps to dig a Well in his land by using explosive substances and thereby caused nuisance to others. Based on the complaint given by the villagers, crime has been registered. Hence, he opposed to grant anticipatory bail to the petitioner.

4.The learned counsel for the petitioner would submit that the property is not belonged to the petitioner and he has not indulged in digging any well and not used any explosive substance. He would further submit that a false case has been foisted against him.

5.Considering the facts and circumstances of the case and also of the submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thiruchengode, on condition that the petitioner shall execute a 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 as and when required for interrogation.

[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.

-sd/-
22/01/2021

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,
THIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MOLASI POLICE STATION,
NAMAKKAL.

+1CC to M/S.R.RAJARAJAN Advocate on payment of necessary charges SR NO.735

CRL OP.740/2021

Date :22/01/2021

MK:02/02/2021

WEB COPY