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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2252 of 2021

Mansoor Rahman

... Petitioner

Vs.

State represented by
Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore, Coimbatore District.
(Crime No.1166 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of arrest in Crime No.1166 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.R.Thangavel

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 448, 342, 294(b), 506(ii) of IPC and Section 3 of TNPPDL Act, in Crime No.1166 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused trespassed into the defacto complainant's house and caused damage to the property worth about 20 lakhs and also threatened the *de facto* complainant with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that this is the second application for anticipatory bail and earlier, the learned Principal District and Sessions Judge, Coimbatore, had granted interim anticipatory bail to the petitioner with a condition to deposit Rs.1.50 lakhs and also execute surety. Since the petitioner was affected with Covid-19, he was unable to execute surety. Even though the petitioner deposited the said



amount, the interim anticipatory bail was lapsed. Hence, the petitioner has come forward with the present petition seeking for anticipatory bail.

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4. The learned Additional Public Prosecutor would submit that this is the second application for anticipatory bail and earlier, the learned Principal District and Sessions Judge, Coimbatore had granted anticipatory bail to the petitioner and due to non-execution of sureties, time got lapsed.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 of receipt of a copy of this order, before the learned Judicial Magistrate-VII, Coimbatore, 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:

[b] 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.

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



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

-sd/-
10/02/2021

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This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-VII,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KUNIAMUTHUR POLICE STATION,
COIMBATORE, COIMBATORE DISTRICT.

+1 CC to M/S.M.R.THANGAVEL Advocate on payment of necessary
charges SR NO. 1401

CRL OP.2252/2021

Date :10/02/2021

MN-18/02/2021