

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

CORAM

THE HONOURABLE Mr. JUSTICE **V.BHARATHIDASAN**

Crl.O.P.No.2131 of 2021

Tamilvelan

...Petitioner

Vs.

State Rep. by
Inspector of Police,
Karumalaikudal Police Station,
Mettur Taluk, Salem District.
Crime No.10 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 arrest in Crime No.10 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Sai Krishnan

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, 148, 294(b), 323, 324, 392, 397 and 506(ii) of IPC in Crime No.10 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner along with other accused, while taking bath in a river, compelled the *de facto* complainant to take photographs and send them through whatsapp, when he responded that there is no facility in his camera, the petitioner along with other accused said to have assaulted the *de facto* complainant and snatched the camera from him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the main allegation is only against the first accused in this case. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally three accused in this case and the petitioner is A3. He would submit that the petitioner along with other accused attacked the *de facto* complainant and snatched his camera. He would further submit that the camera has been recovered from the first accused. and that the first accused has been arrested and released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels and also the fact that the camera has been recovered from the first accused, 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-II, Mettur**, 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 daily at 10.30.a.m for a period of two weeks and thereafter, 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 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.

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

10.02.2021

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To

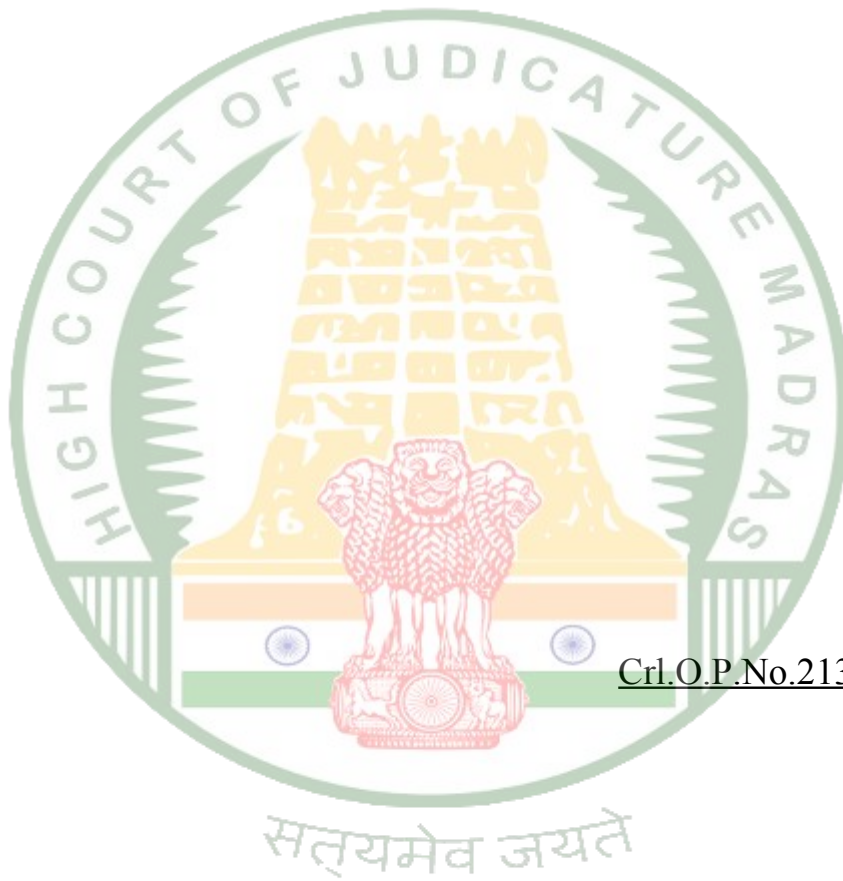
1. The Judicial Magistrate-II,
Mettur.
2. The Inspector of Police,
Karumalaikudal Police Station,
Mettur Taluk, Salem District.
3. The Public Prosecutor,
High Court of Madras,
Chennai-104.



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V.BHARATHIDASAN,J

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