

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5897 of 2021

1 RAFIQ AHMED
2 FAYAS AHMED

[PETITIONERS / ACCUSED]

Vs

STATE BY

[RESPONDENT]

INSPECTOR OF POLICE,
ARCOT TOWN POLICE STATION,
ARCOT, RANIPET DISTRICT.
CR.NO.174 OF 2020

For Petitioner : M/S. S.P.ARTHI Advocate

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 353, 379, 430, 392 and 307 of I.P.C and 21(1) of Mines and Minerals (Development and Regulation) Act in Crime No.174 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2. Totally there are three accused in this case and the petitioner herein are A2 and A3. The case of the prosecution is that all the three accused has indulged in illegally transporting river sand and when the same was questioned by the respondent police, A1 said to have attacked the police and caused injuries to them. Due to which A1 was detained under Act 14 of 1982. Hence, the respondent police has registered the case against the petitioners.

3. The learned counsel appearing for the petitioners would submit that these petitioners are not present in the scene of occurrence and A1 only tried to attacked the police. Hence, he prayed for grant of anticipatory bail to the petitioners

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the the petitioners said to have attacked the respondent police and ran away from the scene of occurrence. He would further submit that investigating is still pending and A1 was detained under Act 14. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration, the facts and circumstances of the case and the fact that the main allegation is against A1 only and these petitioner were only present in the scene of occurrence, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Arcot, Vellore District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioners 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 petitioners shall report before the respondent police daily at 10:30 a.m until further orders as and when required for interrogation.

[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 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
25/03/2021

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 COURT,
ARCOT, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARCOT TOWN POLICE STATION,
ARCOT, RANIPET DISTRICT.

+1 CC to M/S. S.P. ARTHI Advocate on payment of necessary charges
SR.No.4118

सत्यमेव जयते

WEB COPY
CRL OP.5897/2021
Date :25/03/2021

cs 01/04/2021