

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.18609 of 2020

LUKE FABIAN DSILVA

[PETITIONER]

vs

STATE REP BY,
THE INSPECTOR OF POLICE,
RANGAMPALAYAM TALUK POLICE STATION,
ERODE.
(CRIME NO.964/2020)

[RESPONDENT]

For Petitioner : M/S.A.T.ANBU KUMAR 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 petitioner is A2. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 420 and 506(I) of IPC, in Crime No.964 of 2020 on the file of the respondent police, the petitioner seeks anticipatory bail.

2. The case of the prosecution is that A1 in this case one Mr.Shanker was working as a driver under the defacto complainant. He developed intimacy with the defacto complainant and extorted money from her. So far as this petitioner/A2 is concerned, he is only a friend of A1 and he criminally intimidated the defacto complainant to part with the money. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the co-accused(A1) was granted anticipatory bail by this Court in CrI.O.P.No.16955 of 2020, dated

22.10.2020. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner criminally intimidated the defacto complainant. The co-accused/A1 was granted anticipatory bail by this Court.

5. Considering the facts and circumstances of the case, and the fact that except the allegation of criminal intimidation there is no other allegation against the petitioner and as A1 was already granted anticipatory bail, 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 No.1, Erode, 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 appear before the respondent police as and when required.

(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.

-sd/-
04/03/2021

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 I,
ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE,
ERODE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RANGAMPALAYAM TALUK POLICE STATION,
ERODE.

+1 CC to M/S.A.T.ANBU KUMAR Advocate on payment of necessary charges SR.NO.2755.

CRL OP.18609/2020

सत्यमेव जयते Date :04/03/2021

EP-12/03/2021

WEB COPY