

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.19573 of 2020

Arun @ Arun Murugan

... Petitioner

Vs.

The State rep. by

... Respondent

The Inspector of Police
Anupparpalayam Police Station,
Tirupur District.
Crime No.313 of 2020

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.313 of 2020, on the file of the Respondent police.

For Petitioner : Mr.G.Karthikeyan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Section 3(1) of TNPDLD Act in Crime No.313 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is said to have damaged the front glass of a Government Bus and caused damages worth about Rs.25,000/-.

3.The learned counsel for the petitioner would submit that the petitioner has already been granted anticipatory bail by this Court in Crl.O.P No.5877 of 2020 dated 17.03.2020. Since the petitioner was unable to execute the sureties within a period of two weeks as directed by this Court, the petitioner moved an application before this Court seeking for extension of time. This Court dismissed the above application granting liberty to the petitioner to file a fresh application. Hence, the present application is filed seeking for anticipatory bail.

4. Heard the learned Additional Public Prosecutor appearing for the respondent.

5. Considering the fact that the petitioner has already been granted anticipatory bail and only due to non-execution of sureties, this Court dismissed the anticipatory bail petition which was already granted, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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, No.III, Tiruppur, 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 deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) to the credit of Crime No.313 of 2020 before the concerned Magistrate, before executing the bond.

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m and 5.30 p.m until further orders.

[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.

-sd/-

11/01/2021

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,
NO.III, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANUPPARPALAYAM POLICE STATION,
TIRUPUR DISTRICT.

+1 CC to M/S.G.KARTHIKEYAN Advocate on payment of necessary charges SR NO. 430

CRL OP.19573/2020

सत्यमेव जयते Date :11/01/2021

MN-21/01/2021

WEB COPY