

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.01.2021

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.20388 of 2020

M.Balaji

... Petitioner

Vs.

The State rep. by:-

... Respondent

The Inspector of Police,
J-12, Kanathur Police Station,
East Coast Road, Kanathur,
Kancheepuram District - 603 112.
Crime No.790 of 2020

PRAYER: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on anticipatory bail in the event
of his arrest in Crime No.790 of 2020 on the file of the respondent
police.

For Petitioner : Mr.P.Bharath

For Respondent : Mr. C.Iyyappa Raj,
Additional Public Prosecutor.

ORDER

(These case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 342,
323, 387 & 506(i) of IPC, in Crime No. 790 of 2020, on the file of
the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto
complainant is that A1 is known to him and that taking into
consideration, the financial position of the defacto complainant,
all the accused conspired to kidnap him and grab money from him.
Thereby, A1 under the guise of consuming liquor, took the defacto
complainant to Muttukadu beach and A1 had already informed the
other accused and while drinking, the other accused demanded money.
Since, no money was available with the defacto complainant, they
had taken his car, snatched six sovereigns of chain, 2 I phone and
2 vivo phone and escaped. Hence the complaint.

3. The learned counsel appearing for the petitioner would
submit that the petitioner is an innocent he has been falsely

implicated in this case. She would submit that this is the second application for anticipatory bail and the earlier application was dismissed by this Court on 24.08.2020 in CrI.O.P.No.12099 of 2020. She would submit that the petitioner is the friend of A1. In the guise of drinking liquor, A1 had called him to a resort and thereby the petitioner had accompanied him. Other than that, the petitioner has not committed any offence as alleged by the prosecution. She would submit that the defacto complainant was also the friend of A1 and while consuming liquor, there was a quarrel due to which, A1 had taken away the car and mobile phone of the defacto complainant. Even as per the prosecution, the incident had occurred on 25.07.2020. Whereas, the F.I.R. was registered only on 31.07.2020 and that the case of money dispute, has been falsely projected as a case of extortion. She would further submit that the main accused was arrested and released on bail and that the earlier application filed by the petitioner was dismissed on the ground that the A1 was in custody. She would further submit that there is no previous case against the petitioner and the petitioner is prepared to abide by any stringent condition that may be imposed on him. Hence, she prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of anticipatory bail stating that the defacto complainant and A1 are known to each other. The defacto complainant is a rich man and in order to extort money from him, A1 and the other accused conspired and taken the defacto complainant to a resort at ECR and while consuming liquor, they have assaulted him and taken his Car, snatched six sovereigns of chain, 2 I phones and 2 vivo phones. He would submit that A1 has been enlarged on bail and all the stolen materials have been recovered from A1. He would submit that initially the case was registered in C.S.R.No. 87 of 2020. Later, on coming to know that the allegations were true, the case was registered after 6 days.

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned Counsel and the fact that A1 has been arrested and subsequently released on bail and that the entire stolen articles have been recovered from A1 and there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the **learned Judicial Magistrate-II, Alandur, Kanchipuram District**, 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent Police everyday at 10.30 a.m. until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
04/01/2021

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

TRUE COPY

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

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE-II
ALANDUR, KANCHEEPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

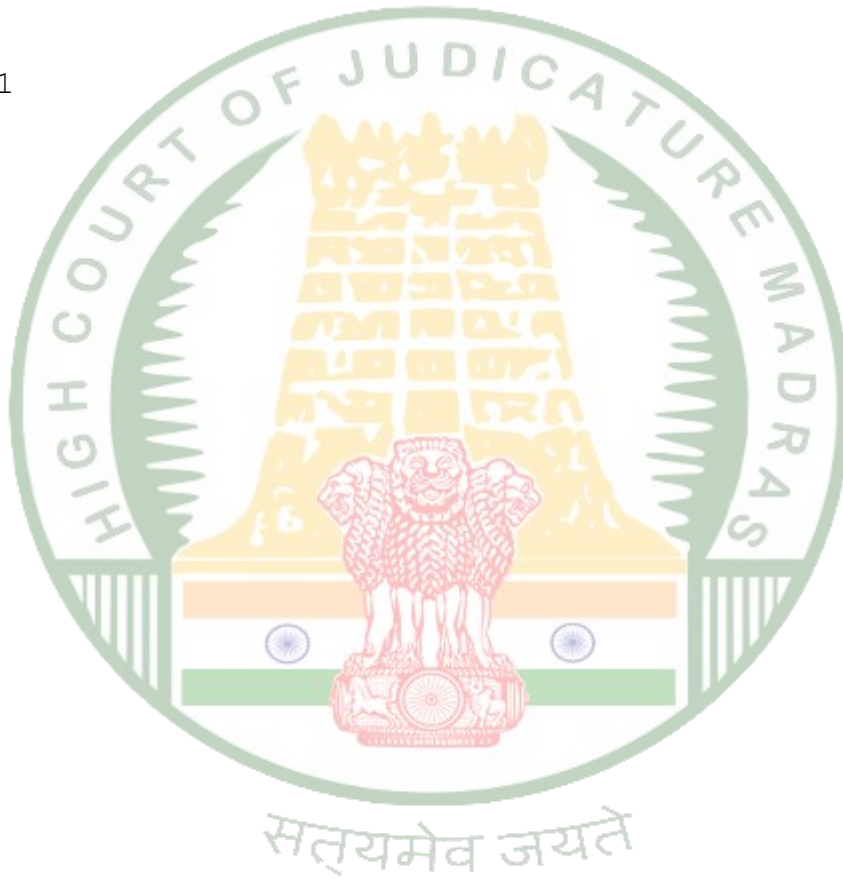
4 THE INSPECTOR OF POLICE,
J-12 KANATHUR POLICE STATION,
EAST COAST ROAD, KANATHUR,
KANCHEEPURAM DISTRICT - 603 112.

CC to M/S.P.BHARATHI Advocate on payment of necessary charges

CRL OP.20388/2020

Date :04/01/2021

MN-08/01/2021



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