

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.19816 of 2020

Baskar

... Petitioner

Vs.

State Rep. by Inspector of Police,
Koovathur Police Station,
Kancheepuram District.
(Crime No.14 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.14 of 2020 pending on the file of the respondent.

For Petitioner : Mr.M.Machavatharan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 397 of IPC in Crime No.14 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that on 22.01.2020, the petitioner along with others went to the defacto complainant's resort and asked room and when the defacto complainant asked them to given ID proof and advance amount, for which, A1, scolded him with filthy language and attacked him with wooden log on his head and also assaulted him with hands and taken away Rs.1,500/- from his pocket and also threatened. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and no way connected with this crime and he has been falsely implicated in this case. He would further submits that all the other accused arrested and released on bail. Hence, he prays for anticipatory bail to the petitioner .

4.The learned Additional Public Prosecutor would submit that the petitioner attacked the defacto complainant with wooden log on his head and also assaulted him with hands and taken away Rs.1,500/- from his pocket and also threatened. Hence, he opposed to grant anticipatory bail to the petitioner .

5.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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, Thirukazhukundram, 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 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.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

07/01/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
THIRUKAZHUKUNDRAM.

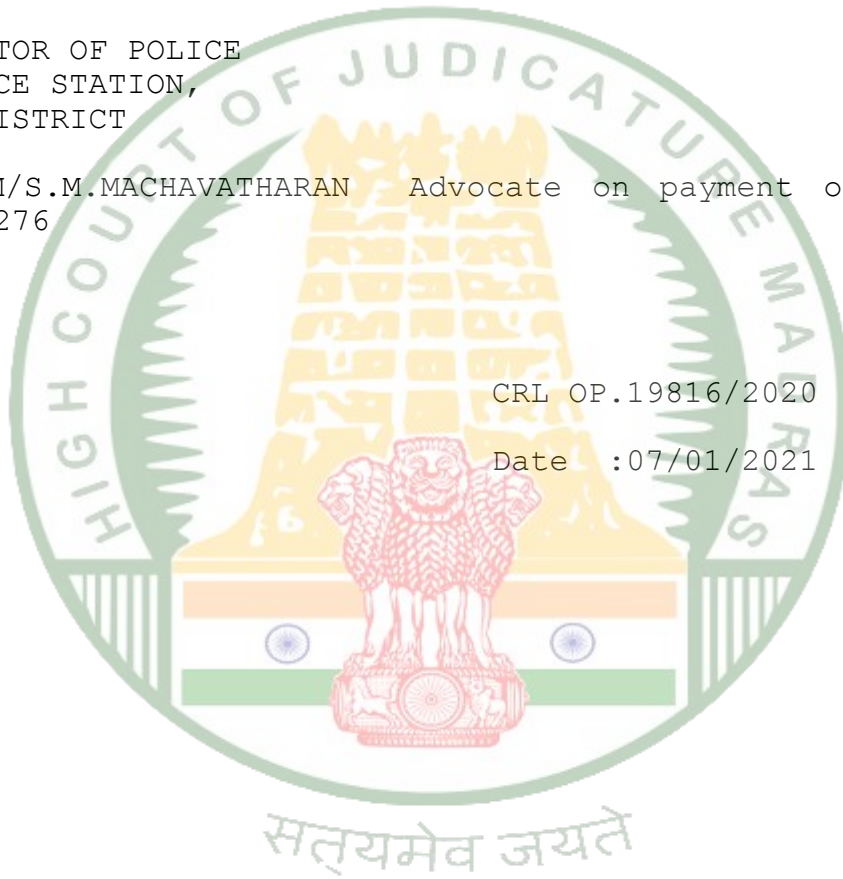
2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
KOOVATHUR POLICE STATION,
KANCHEEPURAM DISTRICT

+1 CC to M/S.M.MACHAVATHARAN Advocate on payment of necessary
charges SR.No.276

cs 20/01/2021



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