

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.20167 of 2020

Mr.K.Thirumalai

... Petitioner

Vs.

The Inspector of Police,
Ananthapuram Police Station,
Villupuram District.
(Crime No.699 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 her arrest in Crime No.699 of 2020 pending on the file of the respondent.

For Petitioner : Mr.K.Elangovan

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

ORDER

(The case has been heard through video conference)

Totally, there are three accused and the petitioner is arrayed as A3. He apprehends arrest at the hands of respondent police for the offence punishable under Sections 394 and 397 of I.P.C. in Crime No.699 of 2020 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that on 19.06.2020 at about 11.30 p.m. when the defacto complainant sleeping in his house, three unknown persons came to his house and attacked him with knife. They have also stolen the two wheeler belonging to the defacto complainant and also a sum of Rs.5000/- from his house. In the said circumstances, based on the complaint of defacto complainant, the criminal case has been registered against the petitioner and now, he is seeking anticipatory bail. Now, it is stated that A1 and A2 were arrested and based on their confession, the petitioner was also named as accused.

3. The learned counsel appearing for petitioner would submit that A1 in this case has teased the petitioner's daughter, which was condemned by the defacto complainant. Hence, the other accused said to have attacked the defacto complainant. The petitioner is a well-known person in the locality and holding a respectable post in a political party. That apart, he would submit that the arrested accused was released on bail and only on the confession of A1 and A2, the petitioner has been implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that as per the complaint, the petitioner along with A1 and A2 have teased the defacto complainant's daughter. He would submit that they have attacked the defacto complainant and also taken away the two wheeler belong to him. He would also submit that only a sum of Rs.5000/- has been recovered from the accused and the vehicle is to be recovered from them. Hence, he opposed to grant bail to the petitioner.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that the occurrence was taken place during the month of June 2020 and now the arrested accused was released on 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, Gingee**, on condition that the petitioner shall execute a separate 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, 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 for interrogation ;

[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 petitioners 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.

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

-sd/-
19/01/2021

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,
GINGEE

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ANANTHAPURAM POLICE STATION,
VILLUPURAM DISTRICT.

+1 CC to M/S.K.ELANGO VAN Advocate on payment of necessary charges SR.NO.518

CRL OP.20167/2020

Date :19/01/2021

TA-21/01/2021