

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20157 of 2020

1.Dharma
2.Dinesh

... Petitioners/Accused
Nos.2 & 3

Vs.

The State represented by its,
The Inspector of Police,
B-1, Police Station,
Dharmapuri
(Crime No.2410 of 2020) ...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of arrest in Crime No. 2410 of 2020, on the file of the respondent police.

For Petitioners: Mr.A.Sakthivel

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 7(1), (a) of Criminal Law Amendment Act 2005, in Crime No.2410 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that, on 15.11.2020 at 2.00 p.m., near to the Dharmapuri Chatram Mel Street, when the police officials on patrol, the petitioners along with one Vijayakumar who is the first accused in this case were discussed about to keep the bomb in the railway track or in the Government bus. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them. He would submit that the first accused already arrested and released on bail by the learned Judicial Magistrate-I, Dharmapuri in Crl.MP.No.1711 of 2020 vide order dated 23.11.2020. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that on 15.11.2020 at 2.00 p.m., near to the Dharmapuri Chatram Mel Street when the police officials on patrol, the petitioners along with the first accused in this case were discussed, and stated that the State and Central Government are cheating the general public in the name of Covid-19, and they have planned to keep the bomb in the railway track or in the Government bus. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, and also considering the fact that co-accused in this case have been enlarged on bail, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days before the learned Judicial Magistrate No.I, Dharmapuri, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each 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 conditions that:

(b) the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners 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.

(d) the petitioners shall not abscond either during investigating or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial 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 petitioners 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.

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

-sd/-

05/01/2021

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.I, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B-1, POLICE STATION,
DHARMAPURI.

CC to A.SAKTHIVEL Advocate on payment of necessary charges

CRL OP.20157/2020

Date :05/01/2021

MN-22/01/2021

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