

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.20272 of 2020

Poovanan @ Poongavanam

... Petitioner

Vs.

The State Rep. by
Inspector of Police
Arakkonam Town Police Station,
Vellore District,
Crime No.804 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 arrest by the respondent police connected with Crime No.804 of 2020 on the file of the respondent police.

For Petitioner : Mr.D. Dayalan

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Section 294 (b) of the Indian Penal Code, 1860 and Section -3 of Tamil Nadu property (Prevention of Damage and Loss) Act, 1992, in Crime No.804 of 2020, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner waylaid the riders of the vehicles in a public place and asked them to produce RC Book and other documents and when the same was questioned by the defacto complainant, the petitioner abused him with filthy language. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner misbehaved in a public place and when the same

was questioned by the defacto complainant he abused the petitioner with filthy language. Therefore, 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 directed 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 at Arokkonam, 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
25/01/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

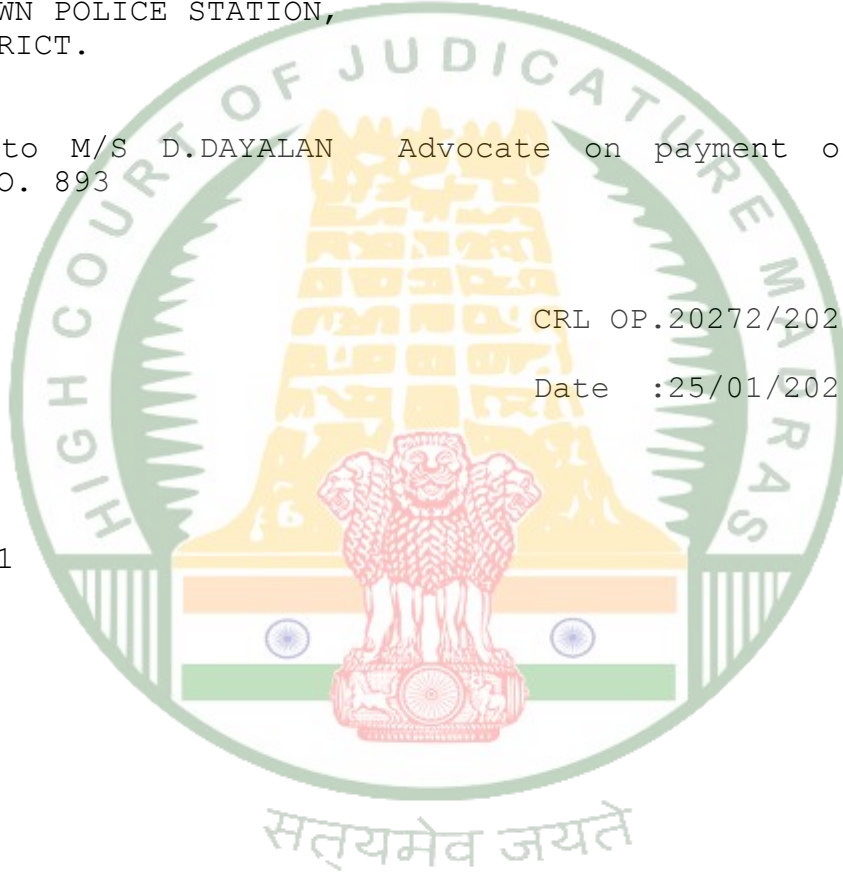
4 THE INSPECTOR OF POLICE,
ARAKKONAM TOWN POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S D.DAYALAN Advocate on payment of necessary
charges SR NO. 893

CRL OP.20272/2020

Date :25/01/2021

MN-01/02/2021



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