

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.20635 of 2020

M.A.Mohammed Arshad,
S/o.Mukthiar Ahmed.

... petitioner

Vs.

State Rep. by The Inspector of Police,
S-13, Chrompet Police Station,
Chennai.
(Crime No.7 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge Bail to the petitioner in the event of his arrest in Crime No.7 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.Abinesh Babu

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

ORDER

(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 Sections 294(b), 353, 452, 397 and 506(i) of IPC, in Crime No.7 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 13.01.2020 at 02.48 p.m., the petitioner had gone to the Sub-Registrar Office, Pallavaram, to verify certain finger prints and other IPR records and one Meenatchi Sundaram had snatched the finger print register from Mr.Sathish, Junior Assistant of the Sub-Registrar and given to a person, who accompanied with him, who have escaped in the two wheeler along with the looted Government Register. Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that the petitioner is a physically handicapped person and a false case has been foisted against the petitioner and he has nothing to do with the alleged offence. He further submitted that co-accused has already been arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioner .

4. The learned Additional Public Prosecutor submitted that the petitioner is the main accused in this case. He further submitted that co-accused has already been arrested and released on bail. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the co-accused has already been arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court, Tambaram, on condition that each of the petitioner shall execute a separate 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 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]**.

V.BHARATHIDASAN, J.

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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

11.01.2021

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To

1.The Judicial Magistrate Court, Tambaram.

2.The Inspector of Police,
S-13, Chrompet Police Station,
Chennai.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

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