

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20937 of 2020

Satha Selvam

.. Petitioner/Accused

Vs.

The State rep. by
The Inspector of Police,
T-4, Madhuravoyal Police Station,
Chennai.

Cr.No.1588 of 2020

.. Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.1588 of 2020, on the file of the respondent police.

For Petitioner : Mr.K.Thenrajan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(Heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 143, 294(b), 323, 342, 384, 417, 170 and 506(i) of IPC, in Crime No.1588 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2. There are totally seven accused and the petitioner is ranked as A7. The case of the prosecution is that on 02.12.2020 all the accused went to the defacto complainant's house by stating that they were CBI and CBCID officers claiming they are from Idol smuggling prevention wing and demanded Rupees Ten Crores as cash and thereafter they detained him in a room and threatened with dire consequences. Based on the complaint given by the defacto complainant a crime has been registered.

3. The learned counsel for the petitioner would submit that all the accused persons have known to the defacto complainant since, money dispute between the A1 and the defacto complainant a false complaint has been registered against the petitioner. He

would further submit that all the other accused have been arrested and subsequently released on bail. Hence, he prayed for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that all the accused went to the defacto complainant's house by stating that they were CBI and CBCID officers and demanded Rupees Ten Crores as cash and threatened him with dire consequences. He would submit that all the other accused have been arrested and released on bail. Hence, he vehemently oppose to grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, the similarly placed co-accused released on bail, this court 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, No-II, Poonamallee, 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/-
20/01/2021

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.II,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-4, MADHURAVOYAL POLICE STATION,
CHENNAI.

CC to M/S. K.THENRAJAN Advocate on payment of necessary charges

CRL OP.20937/2020

सत्यमेव जयते Date :20/01/2021

MK:29/01/2021

WEB COPY