

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.21041 of 2020

AV Daniel

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
K-11, CMBT Police Station,
Anna Nagar, Chennai.
(Crime No.695 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.695 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Venkatraman

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 147, 148 and 364(A) of IPC, in Crime No.695 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that there are totally six accused in this case and the petitioner is ranked as A6. The allegation is that all the accused kidnapped the defacto complainant and tortured him. Further, the petitioners had demanded a sum of Rs.2,00,000/- from the owner of the defacto complainant and threatened and attacked the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and no way connected with this crime and he has been falsely implicated in this case. He would further submit that the defacto complainant received a sum of Rs.2,00,000/- as a hand loan from the petitioner and when the petitioner demanded to return the money, a false complaint has been made against the petitioner. He would further submit that A1,

A2 and A4 in connection with this case have already been arrested and released on bail. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner is the main accused in this case and the co-accused have already been released on bail. Therefore, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case that the co-accused have already been released on bail, this court is 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 V Metropolitan Magistrate, Court, Egmore, Chennai, 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 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].

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

-sd/-
06/01/2021

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 METROPOLITAN MAGISTRATE NO.V,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K11- CMBT POLICE STATION,
ANNA NAGAR DISTRICT,
CHENNAI.

+1CC to M/S R.VENKATRAMAN Advocate on payment of necessary charges SR NO.156

CRL OP.21041/2020

Date :06/01/2021

MK:19/01/2021

WEB COPY