

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twelfth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.3067 of 2020

1 HAYATH

[PETITIONERS / ACCUSED]

2 ALI @ SOWKATH ALI

Vs

STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,
F1 CHINDADRI PET POLICE STATION,
CHENNAI-2.
CRIME NO.25/2020.

For Petitioner : M/S.M.RANJITH KUMAR Advocate

For Respondent : MR.C.IYYAPPA RAJ, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 143, 294(b), 448 and 506(i) of I.P.C. in Cr.No.25 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners trespassed the defacto complainant shop and using abusing words and threatening the defacto complainant for the reason, that the defacto complainant supporting CAA and NRC. Hence, a case was registered against the petitioners herein.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He added that co accused has been granted anticipatory bail by this Court in Cr1.OP.NO.1981 of 2020 dated 07.02.2020. Hence he prays for grant of Anticipatory Bail to the petitioner.

4.The learned Additional Public Prosecutor vehemently opposed for grant of anticipatory bail to the petitioner and would submit that investigation is pending.

5.Considering the facts and circumstances of the case and the fact that co-accused has been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner.

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 of receipt of a copy of this order, before the learned Metropolitan Magistrate No.XIV, 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 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 Court concerned 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 as and when required for the 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

12/02/2020

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.XIV, EGMORE, CHENNAI.

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

<https://hcservices.ecourts.gov.in/hcservices/>

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

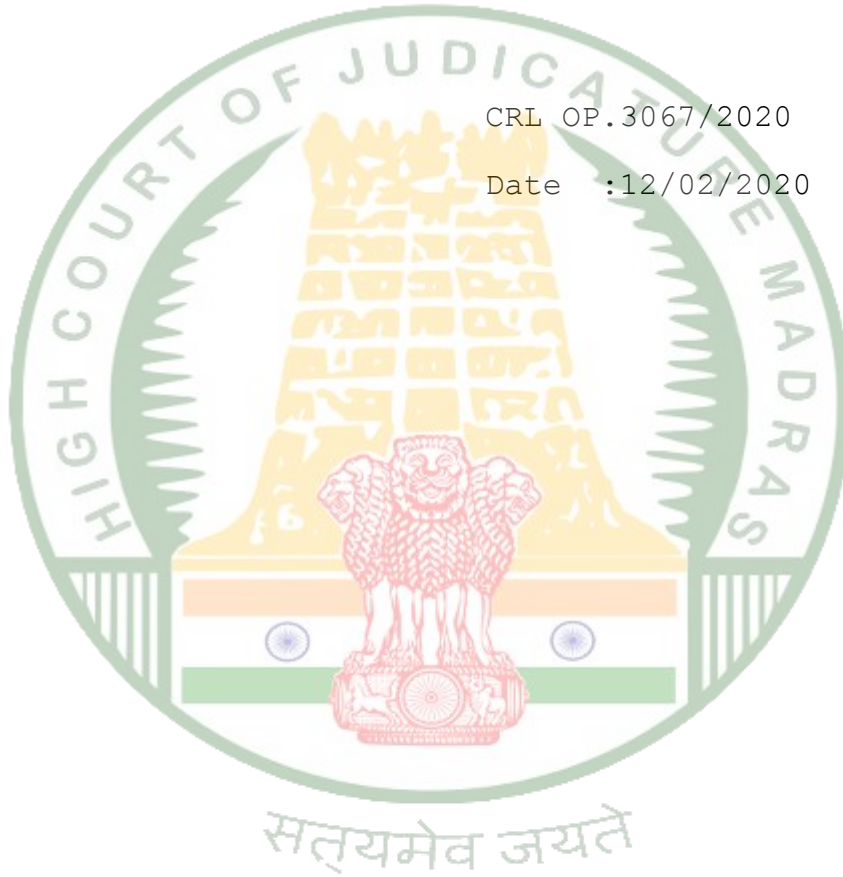
4 THE INSPECTOR OF POLICE,
F1 CHINDADRI PET POLICE STATION,
CHENNAI-2.

+1 CC to M/S.M.RANJITH KUMAR Advocate on payment of necessary
charges SR.No.2730

CRL OP.3067/2020

Date :12/02/2020

cs 17/02/2020



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