

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.4732 and 4758 of 2020

TAMILSELVAM

[PETITIONER / ACCUSED
IN CRL.OP.NO.4732/2020]

Vs

STATE REP BY [RESPONDENT
THE INSPECTOR OF POLICE, IN BOTH THE PETITIONS]
ACHARAPAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT.
CR.NO.536/2014.
CR.NO.358/2014.

For Petitioner : M/S.R.SASIKUMAR Advocate
[IN BOTH THE PETITIONS]

For Respondent : MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR
[IN BOTH THE PETITIONS]

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

ORDER : The Court Made the following order :-

- 1.The Petitioner herein, apprehending arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Section 302 of IPC, in Cr.No.536 of 2014 and Section 229A of IPC in Cr.No.358 of 2019, has filed these Criminal Original Petitions, under Section 438 of Cr.PC, seeking anticipatory bail.
- 2.The facts of the case of the Prosecution that in Cr.No.536 of 2014, the final report was filed against the Petitioner for the offence under Section 302 of IPC and a Non Bailable Warrant was issued on 04.05.2018 for non appearance of the Petitioner on the hearing dates. Due to violation of the bail condition, a case in Cr.No.358 of 2019 was registered against the Petitioner for the offence under Section 229A of IPC. Hence, the Petitioner has been implicated as an accused in the above cases on hand.
- 3.This court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.
- 4.According to the learned counsel for the Petitioner, the Petitioner was earlier arrested in Cr.No.536 of 2014 and he was enlarged on

bail and thereafter, the Respondent had completed the investigation and filed the final report in SC.No.167 of 2015 before the District Mahila Court, Chengalput, which is pending trial. He was regularly appearing before the Court from the year 2015. Thereafter, since he had sustained fracture on his hip in an accident, he was unable to appear before the Court and hence, the Non Bailable Warrant was issued and subsequently, a case in Cr.No.358 of 2019 was registered by the Respondent Police for the offence under Section 229A of IPC. The Petitioner has not yet fully recovered and as on date, he is walking with the aid of a walking stick and in view of his disability, he was unable to appear before the Court. The Petitioner would abide by any conditions to be imposed by this Court for enlarging the Petitioner on anticipatory bail.

5. On the other hand, the learned Additional Public Prosecutor, while vehemently opposing to grant anticipatory bail, would submit that even prior to the accident, the Petitioner absconded and due to the pendency of the Non Bailable Warrant, the trial could not be proceeded with further and that there are 27 witnesses in this case and the case is at the stage of framing charges and in such circumstances, anticipatory bail cannot be granted.

6. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail in favour of the Petitioner, however, on stringent conditions. Accordingly, the Petitioner is hereby ordered to be released on anticipatory bail, in the event of his arrest or on his appearance before the District Mahila Court, Chengalput, within 15 days from the date of receipt of a copy of this order and further on the Petitioner complying with the following conditions, without fail:-

i. If the Petitioner fails to surrender before the District Mahila Court, Chengalput, within a period of 15 days, from the date of receipt of a copy of this order, this order shall stand automatically cancelled, without any further reference to this Court.

ii. In each case, 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 District Mahila Court, Chengalput. The sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

iii. The Petitioner shall report before the District Mahila Court, Chengalput, on all working days at 10.30 a.m., until further orders.

iv. The Petitioner shall not abscond either during the investigation or the trial. The Petitioner shall not tamper with evidence or witness, either during the investigation or the trial.

v. On breach of any of the aforesaid conditions, the concerned 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 is released on bail, by the concerned Trial Court itself, as laid down in the decision of the Honourable Supreme Court reported in **2005 AIR SCW 5560 (P.K.Shaji Vs. State of Kerala)**.

vi.If the Petitioner, thereafter, absconds, a fresh First Information Report shall be registered, under Section 229A of IPC.

-sd/-
09/03/2020

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 DISTRICT MAHILA COURT
CHENGALPUT

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPUT[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ACHARAPAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT.

+2 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR.NO. 4667,4669

CRL OP.4732 & 4758/2020

Date :09/03/2020

RD 13/03/2020