

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25..02..2021

CORAM :-

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.6830 of 2020

1.Amaravel
2.Munna @ Dinesh Kumar
3.Sarath @ Sarath Kumar

... Petitioners

-Versus-

The State Rep. by
Sub Inspector of Police,
L&O,S-5, Pallavaram P.S.,
Chennai 600 043.
[Crime No.78 of 2020]

...Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.78 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Ram Senthil Kumar

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest in connection with the case in Crime No.78 of 2020 on the file of the respondent police for the alleged offence u/s 294(b) and 506(ii) of IPC, Section 4 of Tamil Nadu Prohibition Harassment of Women Act, 1998 and Section 3 of The Tamil Nadu Property(Prevention of Damage and Loss) Act IPC, 1992, seek anticipatory bail.

2. I have heard the learned counsel for the petitioners and the learned Additional Public Prosecutor and also perused the records carefully.

3. It is seen that earlier, this court, by order dated 24.03.2020, dismissed the petition as against the petitioners 2 and 3 as withdrawn as pending application, they were arrested and remanded to

judicial custody. In so far as the 1st petitioner is concerned, this court by the very same order, directed the respondent police not to arrest him. The relevant portion of the order reads as follows:-

"However, taking into account the nature of the accusation which the first petitioner (A1) faces, this court directs the respondent police not to arrest the first petitioner (A1) till 30.04.2020, but, on condition that the first petitioner (A1) stay home bound / quarantined during the period when COVID-19 threat perception and the protocol, which the Government issue subsists."

Thereafter, the order of interim protection has been extended from time to time till now.

4. The allegation against the petitioner is that he along with the other accused attacked the de facto complainant, abused her in filthy language and caused damage to the electronic goods of the de facto complainant and also criminally intimidated her.

5. Considering the fact that the petitioner has been enjoying the interim protection since March, 2020 and A2 and A3 had already been released on bail and also on considering the fact that substantial portion of investigation is completed, this Court is inclined to grant anticipatory bail to the 1st petitioner subject to the following conditions:-

a) Accordingly, the 1st 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 Judicial Magistrate-II, Tambaram, on executing 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] 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.

[c] the 1st petitioner shall report before the respondent police as and when required by the police for interrogation.

[d] the 1st petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the 1st petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 1st petitioner in accordance with law as if the conditions have been imposed and the 1st petitioner released on bail by the learned Magistrate himself /Trial Court as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

With the above directions, this Criminal Original Petition is ordered.

-sd/-

25/02/2021

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 II,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPET [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
L AND O, S-5, PALLAVARAM POLICE STATION,
CHENNAI-600 043.

CC to M/S.S.RAM SENTHIL KUMAR Advocate on payment of necessary charges

CRL OP.6830/2020

Date :25/02/2021

EP-10/03/2021