

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.8361 of 2020

Sivashankaran

Petitioner

vs.

The Inspector of Police,
E3 Minjur Police Station,
Chennai.
(Crime No.1421 of 2020)

Respondent

Prayer: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the Petitioner/Accused on bail on event of arrest in Crime No.1421 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Illiyas

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 448, 324, 506(2) of IPC and Section 4 of Women Harassment Act in Crime No.1421 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with 9 others went to the shop of the de facto complainant and threatened him to recharge his mobile data. It is further alleged that the accused persons developed a verbal quarrel which resulted in attacking the inmates of the shop and seven persons are said to have sustained injuries. The petitioner is arrayed as A1.

3.The learned counsel for the petitioner submitted that a false case has been foisted against this petitioner and he has nothing to do with the alleged offence.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the petitioner entered the shop of the de facto complainant and was browbeating that he is a very powerful person in the locality and he threatened the de facto complainant to recharge his mobile. The learned counsel further submitted that the de facto complainant refused to recharge the mobile which resulted in wordy quarrel and attack resulting in seven persons sustaining simple injuries. The learned counsel further submitted that the injured persons have been discharged from the hospital and there are no previous cases against the petitioner.

5.Taking into consideration the facts and circumstances, 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.2, Ponneri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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:

[a] the petitioner and 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.

[b] the petitioner shall report before the respondent police every Monday at 10.30 a.m. for a period of four 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

N. ANAND VENKATESH, J.

ssr

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

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Speaking Order/Non-Speaking Order

Index : Yes/No

Internet : Yes/No

ssr

To

1. The Judicial Magistrate No.2, Ponneri.

2. The Inspector of Police,
E3 Minjur Police Station,
Chennai.

3. The Additional Public Prosecutor,
High Court Madras.



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