

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.8475 of 2020

R.Sheik

...Petitioner/Sole Accused

/vs/

The Inspector of Police, ...Respondent/complainant
B-1, Sivakanchi Police Station,
Kanchipuram,
Kanchipuram District.
(Crime No.2095/2020)

Prayer: Criminal Original Petition filed under Section 438 of the Cr.P.C. to enlarge the petitioner on bail in event of his arrest in Cr.No.2095 of 2020 pending on the file of respondent police.

For Petitioner : Mr.T.V.G.Kartheeban

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 294(b), 353, 506(i) of IPC read with 4 of Tamil Nadu Women Harassment in Crime No.2095 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner who was working as a Supervisor in the Kancheepuram Municipality had furnished a bogus birth certificate at the time of joining the employment. When this was questioned, he is said to have abused the defacto complainant.

3.The learned counsel for the petitioner submitted that the petitioner was never involved in abusing the defacto complainant and he will defend himself in accordance with law.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that if the petitioner had furnished the correct date of birth, he should have retired from employment on 30.04.2020. The petitioner has furnished a bogus birth certificate at the time of joining the employment. Therefore, apart from initiating the departmental proceedings, criminal proceedings were

also initiated independently.

5. Taking note of the fact 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Kanchipuram, 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 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 on 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 Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala ((2005) AIR SCW 5560).

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

-sd/-

11/06/2020

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

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

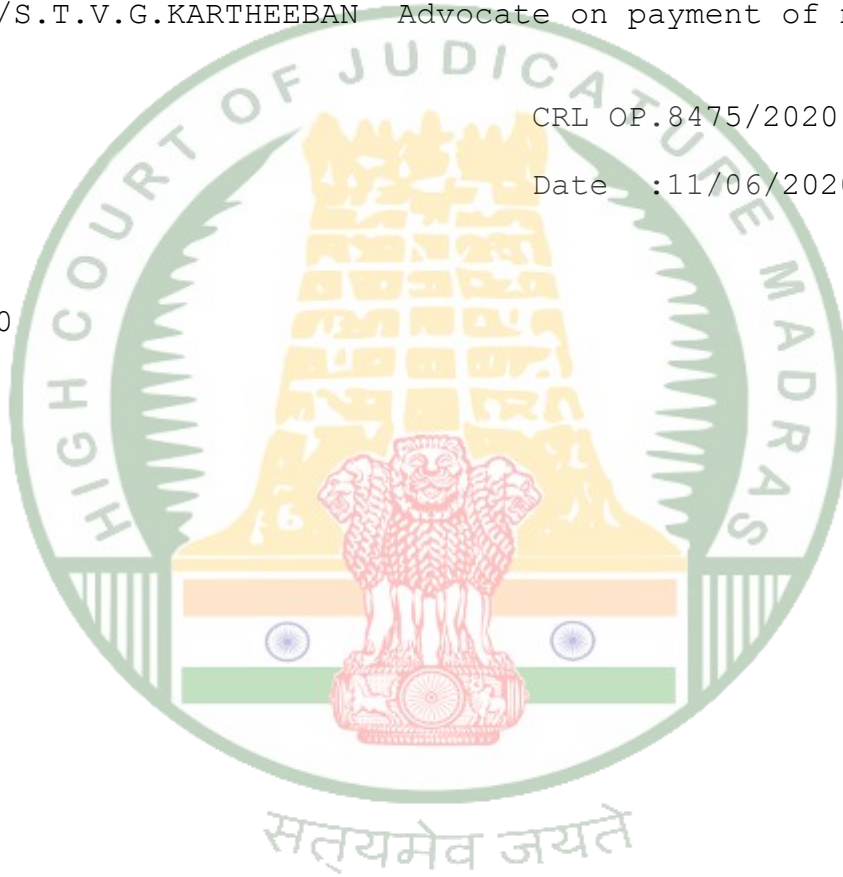
4 THE INSPECTOR OF POLICE
B-1, SIVAKANCHI POLICE STATION,
KANCHIPURAM,
KANCHIPURAM DISTRICT.

CC to M/S.T.V.G.KARTHEEBAN Advocate on payment of necessary
charges

CRL OP.8475/2020

Date :11/06/2020

TA-17/07/2020



WEB COPY