

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 8911 of 2020

Mr.M.NAGARAJAN, Male/32 years,
S/o Mr.B.Mohan,
No:C-14, Poonthottam III Street,
Pazhavanthangal, Chennai -600 114 ...Petitioner

Vs

The State, rep. by its Inspector of Police,
S-9, PAZHAVANTHANGAL Police Station,
Chennai District
[Crime No: 248 of 2019] ...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest in
Crime No.248 of 2019 on the file of the respondent police.

For Petitioner : Mr.M. Ravikumar
For Respondent/s : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294[b] & 506[i] of IPC in Crime No.248 of 2019 seeks anticipatory bail.

2. The case of the prosecution is that, being aggrieved by the complaint given by the complainant against the petitioner and some other persons during the year 2016 with the corporation water drawing, the complainant was threatened by them and hence the complainant lodged the complaint with respondent police on 24.07.2019.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was granted Anticipatory Bail in Crl.O.P.No: 20824 of

2019 by this Court on 02.08.2019 and the same was not complied with and this is the second anticipatory bail filed by the petitioner and hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and the submissions made by either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate, Alandur 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 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.

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Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

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To

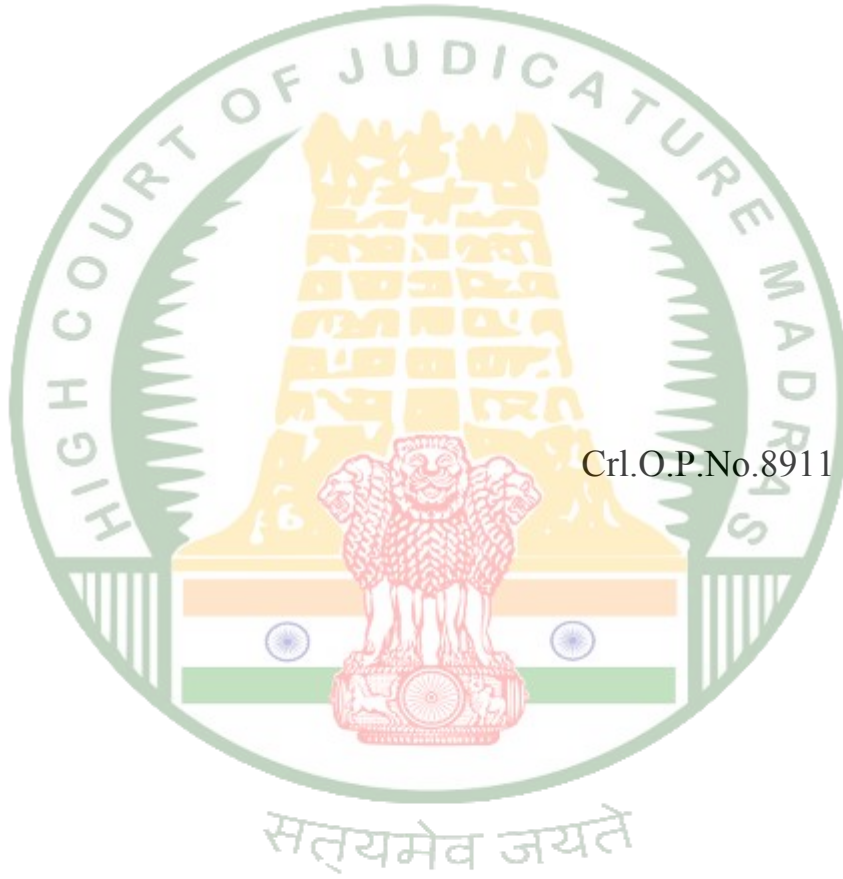
1. The Inspector of Police,
S-9, PAZHAVANTHANGAL Police Station,
Chennai District
2. The Additional Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J

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