

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11173 of 2020

Selvarangam

... Petitioner/Accused - 1

Vs.

The State represented by,
The Inspector of Police,
Kannagi Nagar Police Station,
Chennai - 600 097.

(Crime No. 750 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on the bail in the event of his arrest in Crime No. 750 of 2020, on the file of the respondent.

For Petitioner : Mr.Vijay Gurudass

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b) & 506(i) of IPC read with Section 4 of Women Harassment Act, in Crime No. 750 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that there was a wordy quarrel between the petitioner and the defacto complainant at that time, the petitioner has abused and criminally intimidated the defacto complainant. Hence, the complainant.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor submitted there was a wordy quarrel took place between the petitioner and the defacto complainant and the petitioner has abused and criminally intimidated the defacto complainant. He further submitted that there are no previous cases pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5 Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6 Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Additional Mahila Judge, Alandur, on condition that the petitioner shall execute a separate 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 for a period of two 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
27/07/2020

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 ADDITIONAL MAHILA JUDGE,
ALANDUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KANNAGI NAGAR POLICE STATION,
CHENNAI-600097

CC to M/S. VIJAY GURUDASS Advocate on payment of necessary charges

CRL OP.11173/2020

Date :27/07/2020

MK:20/08/2020

सत्यमेव जयते

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