

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13905 of 2020

Ajay

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thirukkalukundram Police Station,
Chengalpattu District.
Crime No. 68 of 2020.

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of arrest by the respondent police in Crime No.68 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Sugendran

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), 323, 506(ii) of IPC r/w 4 of TNPWH Act 2002, in Crime No.68 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Gunasundari is that the petitioner along with other accused followed the defacto complainant for a week, abused and intimidated her and also assaulted her, when she questioned their activity.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any

offence as alleged by the prosecution. He would further submit that A1 had an affair with the defacto complainant and there was a dispute between them. On instigation of the father of the defacto complainant, a false complainant has been given against the petitioner. He would also submit that A1 has been arrested and enlarged on bail. As far as the petitioner is concerned, he is only the friend of A1.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused followed the defacto complainant when she goes to employment and on the date of occurrence, they have way laid her, when she questioned the same, the petitioner along with other accused abused and intimidated her and also assaulted her. He would submit that A1 has been arrested and enlarged on bail.

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 the date on which the order copy made ready, before **the learned Judicial Magistrate, Thirukkalukundram**, 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 stay at Salem and report before the Salem Town police Station daily at 10.30 a.m., until further orders.

[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.

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

-sd/-

18/09/2020

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 JUDICIAL MAGISTRATE,
THIRUKKALUKUNDRAM

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THIRUKKALUKUNDRAM POLICE STATION,
CHENGALPATTU DISTRICT

4 THE OFFICER INCHARGE
SALEM TOWN POLICE STATION, SALEM

+1 CC to M/S. S.SUGENDRAN Advocate on payment of necessary charges SR.NO.6350

CRL OP.13905/2020

Date :18/09/2020

GKS:25/09/2020