

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.16818 of 2020

K.Karthick @ K.Karthikeyan

... Petitioner

Vs.

The State rep. By
The Inspector of Police
K-11, CMBT Police Station
Koyambedu, Chennai
(*)Cr.No.903 of 2019.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in **(*)Cr.No.903 of 2019.** pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Balasubramaniam

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 353, 509, 34 IPC r/w Section 37 of TN City Police Act, 1888, in **(*)Cr.No.903 of 2019.** on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that on 24.11.2019, on a secret information, the de-facto complainant attached with the respondent police along with his police party conducted search in a hotel namely 'Chennai Deluxe' and when the respondent police attempted to enter the hotel, they were prevented by the petitioner from discharging their official duties and when the respondent police on entering the hotel, they found that 10 girls were dancing wearing short dress. On enquiry, it was found that the petitioner is the organizer of the event which is not permitted as per law.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is running a hotel and that since he refused to pay money to the de-facto complainant, a false complaint has been given against the petitioner. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner had conducted the cultural dance programme with 10 girls in the hotel without obtaining permission and when the respondent police attempted to enter the hotel, the petitioner had prevented the police from discharging their official duties. He would further submit that there is no previous case against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 of receipt of a copy of this order, before the **learned V Metropolitan Magistrate, Egmore, Chennai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
28/10/2020

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.

(*)Corrected [amended] order extended for a period of two weeks from the date of receipt of amended copy of the order. as per the order of this court dated 22/12/2020 made in CRL MP.7492/2020 in CRL OP.16818/2020.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.V, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-11, CMBT POLICE STATION,
KOYAMBEDU, CHENNAI.

+2 CC to M/S. K.BALASUBRAMANIAM Advocate on payment of
necessary charges SR.NO.8614, 8615

CRL OP.16818/2020

Date :28/10/2020

TA-03/11/2020

TA-07/01/2021

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