

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.16869 of 2020

Dilli @ Dilli Kumar

... Petitioner/Accused

Vs.

State by Inspector of Police,
E-4, Kalpakkam Police Station,
Kancheepuram District.

... Respondent/ Complainant

PRAYER: This Criminal Original Petition has been filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of his arrest by the respondent police, in pending Crime No.50 of 2019 on the file of the Inspector of Police, E-4, Kalpakkam Police Station, Kancheepuram District or on his appearance before the Court.

For Petitioner : Mr.C.Anbarasu

For Respondent : Mr.Charles Premkumar
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) and 506(ii) of IPC and Section 3(1) of TNPPDL Act in Crime No.50 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, who is arrayed as A2, approached the Principle Sessions Judge, in Crl.M.P.No.1880 of 2019 and the same was granted by the Principle Judge on 27.04.2020 with the condition to deposit a sum of Rs.25,000/- before the District Munsif-cum-Judicial Magistrate, Thirukkalikundram. However, not complying the said condition, the anticipatory bail order dated 27.04.2020 got lapse. The petitioner again filed anticipatory bail application before the Principle Sessions Court in Crl.M.P.No.3081 of 2020. The Principle Sessions Judge, has rightly pointed out that the second anticipatory bail cannot be entertained when the earlier anticipatory bail has already been considered and granted on condition. Aggrieved by the subsequent order, the present petition is filed.

3. Considering the facts and circumstances of the case, this Court is of the view that once the anticipatory bail is granted on condition, the petitioner either to challenge the condition before the Higher Forum or to comply the order, he cannot allow to file a fresh petition with the same set of facts.

4. Therefore, this Criminal Original Petition is dismissed. However, a liberty is given to the petitioner to adhere the directions given by the Principle Sessions Judge, Kancheepuram, at Chengalpattu in Crl.M.P.No.1880 of 2019 dated 27.04.2020 within a period of two weeks from the date of receipt of a copy of this order. On such deposit of Rs.25,000/- as per the order, the anticipatory bail granted by the Principle Sessions Judge in Crl.M.P.No.1880 of 2019 shall be given effect.

-sd/-
22/10/2020

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.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUKKALIKUNDRAM.

2 THE PRINCIPLE SESSIONS JUDGE,
KANCHEEPURAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-4, KALPAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT

+1CC to M/S.V. G.ANBARASU Advocate on payment of necessary charges SR NO.7074

CRL OP.16869/2020

Date :22/10/2020

MK:28/10/2020