

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.18831 of 2020

Moorthy.S

... Petitioner

Vs.

State Rep. By

The Inspector of Police,
D3 ICE HOUSE Police Station,
Chennai.

(Cr.No.1477 of 2020)

...Respondents

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.1477 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.D.Gopi Krsihnan

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

ORDER

(This 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 IPC @ 294 (b), 323, 385, 506 (i) of IPC, in Crime No.1477 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz., Chutra Ram is that the defacto complainant is running a Pawn Shop and that the petitioner had demanded rowdy mamool. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was earlier granted anticipatory bail by this Court vide order dated 13.10.2020 in CrI.O.P.No.16205 of 2020, however, due to illness, the petitioner was unable to execute bond and surrender before the learned Judicial Magistrate and the anticipatory bail granted to the petitioner by this Court got lapsed. Accordingly, prays for grant of anticipatory bail.

4.In view of the above submissions made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Metropolitan Magistrate No.II, Egmore, 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 is directed to deposit a sum of Rs.2,000/- (Rupees Two Thousand only) to the Legal Services Authority, High Court of Madras, Chennai.

(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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

16/12/2020

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 METROPOLITAN MAGISTRATE
NO.II, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE,
CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
D3 ICE HOUSE POLICE STATION,
CHENNAI.

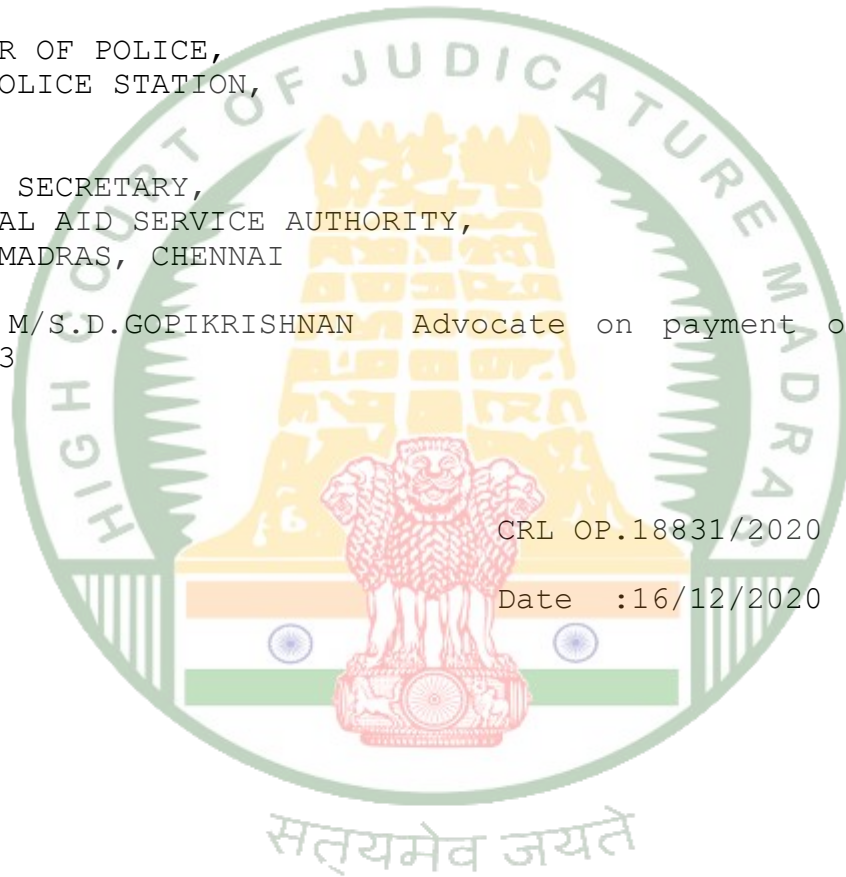
5 THE MEMBER SECRETARY,
TAMIL NADU LEGAL AID SERVICE AUTHORITY,
HIGH COURT OF MADRAS, CHENNAI

CC to M/S.D.GOPIKRISHNAN Advocate on payment of necessary
charges Sr.8383

CRL OP.18831/2020

Date :16/12/2020

RVR 21/12/2020



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