

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.345 of 2021

Edwin Christopher @ Edwin

... Petitioner

Vs.

State by The Inspector of Police
S-14, Peerankaranai Police Station
Peerankaranai, Chennai-600 063
Crime No.1210 of 2020

...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 Crime No.1210 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Suthan

For Respondent : Mr.C.Iyyappa Raj,
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 under Sections 294(b) and 506(i) of IPC in Crime No.1210 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to property dispute, the petitioner along with his friend abused the de-facto complainant with filthy language and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case due to previous enmity. He would submit that this is the second application for anticipatory bail and the earlier application for anticipatory bail was dismissed on the ground that the petitioner was having two previous cases related to the year 2019. He would further submit that even the very reading of FIR shows that nobody was injured and the threat was wielded from the outside of the house. He would submit that the petitioner is prepared to abide by any stringent conditions that may be imposed on him.

4. The learned Additional Public Prosecutor would oppose stating that the petitioner by using a foreign mobile number had threatened the de-facto complainant. He would further submit that on 13.09.2020

in the night hours the petitioner along with 26 others had gone to the house of the defacto complainant and threatened him with dire consequences He would also submit that nobody has been injured. However he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsels on either side and perused the FIR.

6. It is seen that the alleged occurrence is stated to have taken place on 13.09.2020 and the earlier anticipatory bail application filed by the petitioner had been dismissed on 07.12.2020 even thereafter, the petitioner has not been arrested. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 Judicial Magistrate Court, Thambaram, 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, every Monday 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.

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

-sd/-

18/01/2021

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,
TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-14, PEERKANKARANANI POLICE STATION,
PEERKANKARANANI, CHENNAI 600 063

CC to M/S.K.SUTHAN Advocate on payment of necessary charges

CRL OP.345/2021

Date :18/01/2021

RVR 02/02/2021