

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.525 of 2021

Veeramani

... Petitioner

Vs.

The State rep. by  
Inspector of Police,  
J-5 Shastri Nagar Police Station,  
Chennai.  
(Crime No.1496 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.1496 of 2020 pending on the file of the respondent.

For Petitioner : Mr.M.P.Yuvaraj

For Respondent : Mr.S.Karthikeyan  
Addl. Public Prosecutor

**ORDER**

**(The case has been heard through video conference)**

The petitioner is arrayed as A3. He apprehends arrest at the hands of respondent police for the offence punishable under Sections 294(b), 352 and 355 of I.P.C. r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.1496 of 2020 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the defacto complainant and her lover walking on the road, A1 in this case waylaid them and abused the defacto complainant. A2 also abused and A3 has attacked the defacto complainant. Now, apprehending arrest, the present petition has been filed seeking to grant anticipatory bail. Now, it is stated that the main accused A1 and A2 were arrested and released on bail.

3. The learned counsel appearing for petitioner would submit that the petitioner is an innocent person and he is no way connected with the offence. He would also submit that there is no specific allegation made against the petitioner and he has been falsely implicated in this case. Hence, he prayed to grant

anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant and her lover walking on the road, A1 in this case waylaid them and other accused have abused, and also attacked him. He would submit that the other accused A1 and A2 were arrested and released on bail. However, he opposed to grant anticipatory bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that the main accused A1 and A2 were arrested and released on bail and there is no specific overtact attributed against the petitioner, 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 IX Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioner shall execute a separate 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, 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 appear before the respondent police daily at 10.30 a.m. for the period of two weeks;

[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.

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

-sd/-  
22/01/2021

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 IX METROPOLITAN MAGISTRATE,  
SAIDAPET, CHENNAI.

2 THE CHEIF METRTOPOLITAN MAGISTRATE,  
EGMORE[FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
J-5, SHASTRI NAGAR POLICE STATION,  
CHENNAI.

+1 CC to M/S.M.P.YUVARAJ Advocate on payment of necessary charges SR NO. 796

CRL OP.525/2021

Date :22/01/2021

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MN-08/02/2021