

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.1037 of 2021

M. Stephan

... Petitioner

Vs.

State rep. by

Inspector of Police

Sriperumbadur Police Station,

Kancheepuram District

(Crime No.38 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest by the respondent police connected with Crime No.38 of 2021 on the file of the respondent police.

For Petitioner : Mr.T. Ravi

For Respondent : Mr.S.Karthikeyan

Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 294(b), 332, 384 and 506(i) of Indian Penal Code 1860, in Crime No.38 of 2021, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that there are totally 3 accused in this case and the petitioner is A3. It is alleged that the petitioner along with other accused persons went to Tasmac Shop and demanded free liquor. Due to which there was a wordy quarrel among them. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he just intervened to make compromise between A1 and A2. He would further submit that he is no way connected with this crime and he has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit the petitioner along with other accused persons went into liquor shop and taken liquor bottles worth about Rs.4,000/- and refused to pay the amount. He would further submit that A2 has already been arrested and released on bail. Therefore, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and already A2 has been arrested and released on bail, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Sriperumbadur 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 daily 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.

-sd/-
27/01/2021

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,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SRIPERUMBADUR POLICE STATION,
KANCHEEPURAM.

CC to M/S T.RAVI Advocate on payment of necessary charges

CRL OP.1037/2021

MK:05/02/2021

Date : 27/01/2021

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