

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1126 of 2021

Ashruf Ali

.. Petitioner

Vs.

State represented by  
The Inspector of Police,  
North Beach Station,  
Chennai City.  
(Crime No.1832 of 2020)

... Respondent

**Prayer:** Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioners on bail in the event of his arrest in Crime No.1832 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.N.Sathish Babu

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

**ORDER**

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

The petitioner apprehending arrest at the hands of the respondent police for the alleged offence under Sections 341, 294(b), 324 and 506(i) of IPC, in Crime No.1832 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant borrowed a sum of Rs.25,00,000/- from the petitioner and as the defacto complainant failed to repay the amount, the petitioner along with two others threatened and attacked the defacto complainant with wooden log and stone. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that due to a money dispute there was a wordy quarrel between the defacto complainant and the petitioner.

5. Taking into consideration the facts and circumstances of the case, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before **the learned VII Metropolitan Magistrate, George Town, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 as and when required for interrogation.

(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 petitioners 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.

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

-sd/-

03/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE VII METROPOLITAN MAGISTRATE,  
GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,  
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

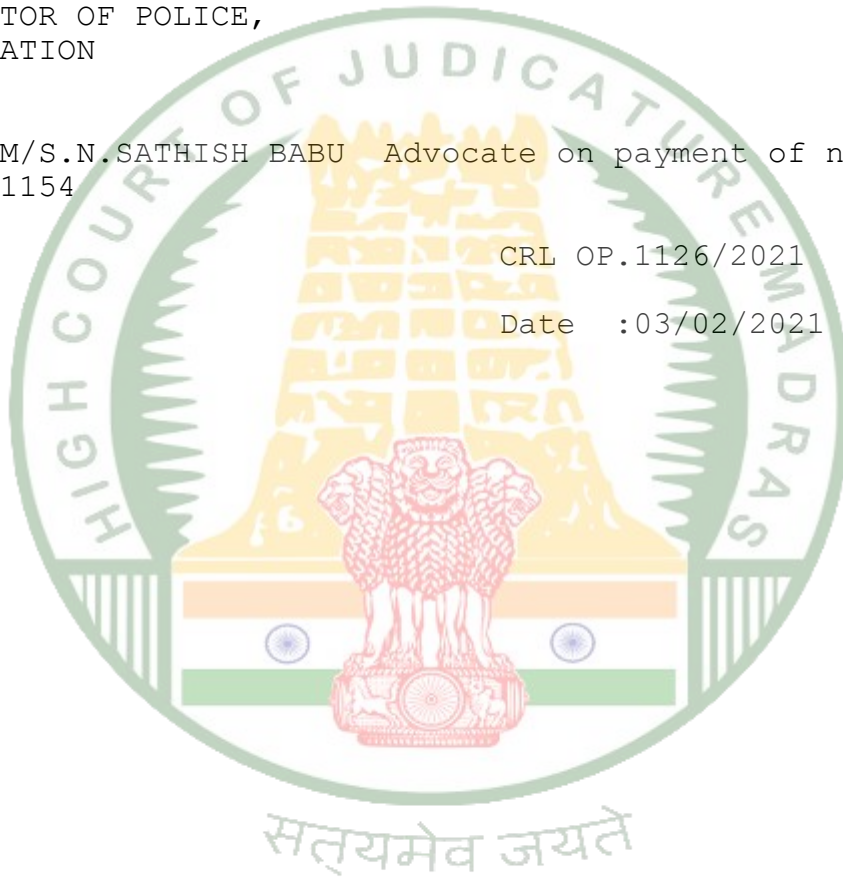
4 THE INSPECTOR OF POLICE,  
NORTH BEACH STATION  
CHENNAI CITY.

+1 CC to M/S.N.SATHISH BABU Advocate on payment of necessary  
charges SR.NO.1154

CRL OP.1126/2021

Date :03/02/2021

TA-11/02/2021



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