

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.3660 of 2021

PACHAI @ PACHAIYAPPAN

[PETITIONER/ACCUSED]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
H-6, R.K.NAGAR POLICE STATION,
CHENNAI.
CRIME.NO.484/2019.

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.G.DHAYASHANKAR Advocate

For Respondent : M/S.S.KARTHIKEYAN Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341 and 392 of IPC in Crime No.484 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that when the complainant went to a tea shop, at that time three known persons including the petitioner and two unknown persons waylaid the complainant and demanded money. On refusal, complainant was assaulted and Rs.5,000/- was taken away by them at knife point. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that A1 and A2 were already released on bail. Therefore, he prays to grant

anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) would submit that the petitioner is A3 and though he has no previous cases, there is a specific overt act against him that he slapped the complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that A1 and A2 were already released on bail. Insofar as the petitioner is concerned, there is no previous cases. Though this court earlier dismissed the anticipatory bail petition, the respondent police did not take any step to secure the petitioner. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 on which the order copy made ready, before the learned XV Metropolitan Magistrate, George Town, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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 daily at 10.30 a.m. and 05.30 p.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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
02/03/2021

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 XV METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
H-6, R.K.NAGAR POLICE STATION,
CHENNAI.

+2 CC to M/S.G.DHAYASHANKAR Advocate on payment of necessary charges SR.NO.2686.

सत्यमेव जयते

CRL OP.3660/2021

Date :02/03/2021

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EP-11/03/2021