

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1482 of 2021

Vimal @ Tamilvanan

... Petitioner

-Vs-

State

Represented by the Inspector of Police,
El Mamallapuram Police Station,
Kancheepuram District,
Chennai.

.... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on Anticipatory Bail in the event of the arrest by the respondent police pending investigation in FIR No.24 of 2021 on the file of the Respondent Police.

For Petitioner : Mr.G.Jagadeeswari

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

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 147, 148, 294(b), 323, 324, 506(2), 435, 307 of Indian Penal Code & 3(1) of Prevention of Damage to Public Property Act, 1984 in Crime No.24 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a previous enmity between the petitioner and the defacto complainant, as a result of which, the petitioner and his friends had abused the defacto complainant and threatened and also assaulted him and caused injuries to him. Hence, the complaint was registered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that co-accused have been arrested and thereafter, they were released on bail. He would further submit that there is a case in counter in Crime No.23 of 2021 against the defacto complainant. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that due to previous enmity, the petitioner along with his friends had abused

the defacto complainant, threatened and assaulted him due to which, he sustained injuries. He would further submit that there is a case in counter and that the injured person has been discharged from the hospital. However, he opposed for grant of anticipatory bail.

5. Considering the facts and circumstances of the case and the co-accused were released on bail, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 Judicial Magistrate, Thirukazhikunram, 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 as and when required for interrogation.

[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.

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

-sd/-

16/02/2021

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,
THIRUKAZHIKUNARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
E1 MAMALLAPURAM POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S.G.JAGADEESWARI Advocate on payment of necessary charges SR.1761

CRL OP.1482/2021

Date : 16/02/2021

RVR 25/02/2021

WEB COPY