

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1431 of 2021

Mani @ Akil Mani

... petitioner

Vs.

State rep. by

... Respondent

The Inspector of Police,
H-2, Guduvancherry Police Station,
Chengalpattu District.
(Crime No.05 of 2021)

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.05 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Sankar

For Respondent : Mr.S.Karthikeyan
Addl. 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 offences punishable under Sections 147, 148, 294(b), 323, 427 & 506(ii) IPC in Crime No.05 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that totally there are 16 accused in this case and the petitioner is ranked as A2. The allegation is that the defacto complainant purchased the property in S.No.21/1A. While erecting the name board in the property, the petitioner and other accused said to have attacked the defacto complainant and abused in filthy language and caused injury. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the owner of the property and that the defacto complainant trying to interfere with the peaceful possession of the petitioner, a false case has been foisted against the petitioner. He would further submit the petitioner is an innocent person and no way connected with this crime and he has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/> The learned Additional Public Prosecutor would submit

that there are only two named persons in the FIR and that A1 was arrested and he is still in custody. He would further submit that there is no bad antecedents against the petitioner.

5. Taking into consideration the nature of offence and also taking note of the fact that the prime accused was arrested and that there is no bad antecedents against the petitioner, 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 is made ready, before the learned Judicial Magistrate II, Chengalpattu, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- each (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, 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 at 10.30 a.m. once in a week (i.e. every Monday) for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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].

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
02/02/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE II,
CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPET [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
H-2 GUDUVANCHERRY POLICE STATION,
CHENGALPATTU.

+1 CC to M/S K.SANKAR Advocate on payment of necessary charges
SR NO. 1055

CRL OP.1431/2021

Date :02/02/2021

MN-08/02/2021



WEB COPY