

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24..02..2021

CORAM :-

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.1863 of 2021

T.Krishnakumar

... Petitioner

-Versus-

State Rep. By
The Inspector of Police,
J-9, Thuraipakkam Police Station.
[Crime No.515 of 2019]

... 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 in Crime No. 515 of 2019 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.Sivanesan

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 at the hands of the respondent police in connection with the case in Crime No. 515 of 2019 for the alleged offences under Sections 294(b), 324 and 506(ii) of IPC, seeks anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. The petitioner and the de facto complainant are stated to be working in the same IT company. The allegation is that the petitioner and the de facto complainant quarrelled with each other over a love affair with a colleague in which the petitioner is said to have assaulted the de facto complainant, abused him in filthy language and also criminally intimidated him.

4. According to the learned Additional Public Prosecutor, the injured had been discharged from the hospital and the injuries sustained by him were only simple in nature.

5. Considering the facts and circumstances of the case and

also the fact the injured had been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :-

a) 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Alandur, on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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:

[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 report before the respondent police as and when required by the police 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 petitioner released on bail by the learned Magistrate himself /Trial Court 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.

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

-sd/-
24/02/2021

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-II,
ALANDUR.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J-9 THURAIPAKKAM POLICE STATION,
CHENNAI.

+1 CC to M/S.C.SIVANESAN Advocate on payment of necessary
charges SR.NO.2241.

CRL OP.1863/2021

Date :24/02/2021

EP-01/03/2021