

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 V. BHARATHIDASAN
CRIMINAL ORIGINAL PETITION No.2404 of 2021

V.SURENDER @ SURENDBHIRAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
B4, BALUCHETTY CHATIRAM POLICE STATION,
KANCHIPURAM DISTRICT.
CRIME NO.97/2020.

[RESPONDENT]

For Petitioner : M/S.L.NARAYANAN Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner/A1 apprehending arrest at the hands of the respondent police for the alleged offence under Sections 448, 294 (b), 324 and 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.97 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. Earlier the petitioner/A1 along with A2 has filed CrI.O.P.No.6079 of 2020 seeking anticipatory bail. When that matter was taken up for hearing on 06.01.2021, the learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner/A1 was already arrested and hence this Court dismissed the said anticipatory bail application as against the petitioner/A1, however granted anticipatory bail to A2. Subsequently, it came to light that the petitioner/A1 was not arrested in Crime No.97 of 2020.

3. Considering the facts and circumstances of the case, it is a case of wordy quarrel and the fact that co-accused was granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner/A1, 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.I, Kanchipuram, on condition that the petitioner shall execute a 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 petitioners 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.

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

-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 THE JUDICIAL MAGISTRATE NO.I,
KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B4, BALUCHETTY CHATIRAM POLICE STATION,
KANCHIPURAM DISTRICT.

+1CC to M/S.L.NARAYANAN Advocate on payment of necessary
charges SR NO.2658

CRL OP.2404/2021

Date :02/03/2021

MK:10/03/2021



WEB COPY