

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.Nos.1950 and 2768 of 2021

K. Yogeeswaran

...Petitioner
in both Crl.O.P's

Vs.

The State

By the Inspector of Police,
TN Government Railway Police,
Egmore Railway Police Station,
Chennai - 600 008.
(Crime No.3 of 2021)

...Respondent
Crl.O.P.No.1950 of 2021

The State

By the Inspector of Police,
TN Government Railway Police,
Egmore Railway Police Station,
Chennai - 600 008.
(Crime No.2 of 2021)

... Respondent
in both Crl.O.P.No.2768 of 2021

COMMON 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 Nos.2 and 3 of 2021 on the file of the respondent police.

(For both Crl.O.P's)

For Petitioner : Mr.S.Consious Ilango

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

COMMON ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest for the alleged offence in Crl.O.P.No.1950 of 2021 under Sections 147, 353, 294(b) and 506(i) of I.P.C in Crime No.3 and of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The petitioner who apprehends arrest for the alleged offence in CrI.O.P.No.2768 of 2021 under Section 174 of Cr.P.c altered into 306 of I.P.C in Crime No. 2 and of 2021 , on the file of the respondent Police, seeks anticipatory bail.

3. The case of the prosecution in CrI.O.P.No.2768 of 2021 is that the deceased along with his parents was called for an enquiry by the respondent police alleging that they have stolen a cell phone. Subsequently, the deceased approached the petitioner, who is a practising advocate seeking legal advice, for which the petitioner demanded Rs.50,000/- as fees and the defacto complainant also paid the same. Due to the exorbitant fees collected by the petitioner, the deceased said to have committed suicide by falling in front of train. Hence, the case was registered under Sections under Section 174 of Cr.P.c altered into 306 of I.P.C in Crime No. 2 and of 2021.

4. The case of the prosecution in CrI.O.P.No.1950 of 2021 is that the petitioner and other advocates went to the police station and threatened the police officials and also asked them not to proceed with the complaint registered in Crime No. 2 and of 2021. Hence, the crime was registered for the offence under Sections 147, 353, 294(b) and 506 (i) of I.P.C in Crime No. 3 of 2021.

5.The learned counsel for the petitioner would submit that the petitioner has not demanded any exorbitant fees from the deceased and he has not misbehaved with the police officials as alleged by the prosecution. He would further submit the petitioner has been falsely implicated in this case and prays for grant of anticipatory bail to the petitioner.

6.The learned Additional Public Prosecutor opposed the Anticipatory bail application stating that the petitioner demanded exorbitant fees from the deceased. Due to which the deceased got frustrated and committed suicide by falling in front of train. Subsequently they have created problem in the police station also.

7. I have considered the rival submission and perused the records.

8.Considering the facts and circumstances of the case and the fact the petitioner has received Rs.50,000/- fees from the deceased for rendering legal assistant, that apart there is no serious allegation against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Metropolitan Magistrate No.XIV, Egmore, Chennai 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.

With the above directions these Criminal Original petition are ordered.

-sd/-
25/02/2021

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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE NO.XIV,
EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

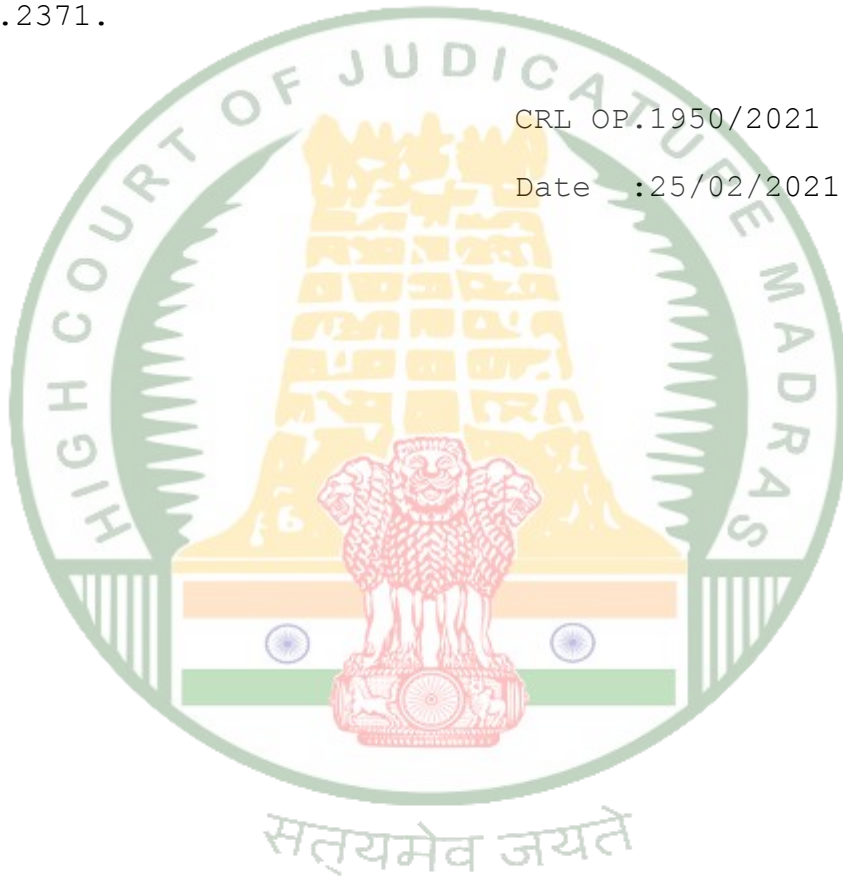
4 THE INSPECTOR OF POLICE,
TN GOVT RAILWAY POLICE,
EGMORE RAILWAY POLICE STATION,
CHENNAI-600 008.

+3 CC to M/S.S.CONSCIOUS ILANGO Advocate on payment of necessary
charges SR.NO.2371.

CRL OP.1950/2021

Date :25/02/2021

EP-12/03/2021



WEB COPY