

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4637 of 2021

T.Basheer Ahamed

... Petitioner

Vs.

State Rep. by:-

... Respondent

The Sub-Inspector of Police,
Nannilam Police Station,
Tiruvarur, Tiruvarur Dt.
(Crime No.1487 of 2020)

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 Cr.No.1487 of 2020 on the file of the respondent.

For Petitioner : Mr.S.Parthasarathi

For Respondent : Mr.K.Prabakar,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of I.P.C. and 4(1)(aaa) T.N. Prohibition Act, in Crime No.1487 of 2020, on the file of the respondent police, and now, he has filed this petition seeking to grant anticipatory bail.

2. Earlier, this Court has granted anticipatory bail in Crl.O.P.No.13092 of 2020, wherein the jurisdiction magistrate was wrongly printed in the petition for anticipatory bail as the learned Judicial Magistrate No.1, Tiruvarur instead of the learned District Munsif cum Judicial Magistrate, Nannilam. Hence, the petitioner filed a petition for amendment in Crl.M.P.No.704 of 2021 and this Court by an order dated 11.02.2021 has dismissed the petition with liberty to file a fresh petition for anticipatory bail with correct details. Therefore, this petition has been filed seeking for anticipatory bail.

3. Taking into consideration of the fact that this Court already granted anticipatory bail to the petitioner in Crl.O.P.No.13092 of

2020, this Court is inclined to grant anticipatory bail to the petitioner, 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 District Munsif cum Judicial Magistrate, Nannilam on condition that the petitioner shall execute a separate 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, 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 daily at 10.30 a.m. for the period of two weeks and thereafter 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 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

09/03/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NANNILAM.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR POLICE,
NANNILAM POLICE STATION,
TIRUVARUR DISTRICT.

+1 CC to M/S.S.PARTHASARATHI Advocate on payment of necessary
charges SR.NO.3071.

CRL OP.4637/2021

Date :09/03/2021

EP-23/03/2021



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