

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.2268 of 2021

Nithyaraj @ Bubblu

... Petitioner

Vs.

State rep. by
Inspector of Police
S-14, Peerkankaranai Police Station,
Chennai. (Cr.No.56 of 2021) ... 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 by the respondent police connected with Crime No.56 of 2021 on the file of the respondent police.

For Petitioner : Mr.M. Vimal Bobby Crimson

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 for the alleged offences under Sections 341, 294(b), 323 and 506(ii) of Indian Penal Code 1860 and under Section 3 of Tamil Nadu Public Property prevention of Damage and Loss Act 1992, in Crime No.56 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. Totally there are two accused in this case and the petitioner is A1. The case of the prosecution is that the petitioner/A1 and A2 were waiting in the bus stand to pick up the passengers and there was dispute between them with regard to parking of their respective vehicles and the petitioner broken the glass window of the A2 bus and caused damages to the tune of Rs.5,000/- Based on the complaint given by the proprietor of the travel company in which A2 was working the case was registered..

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned additional public prosecutor would submit that there was a wordy quarrel between A1 and A2 and the petitioner broken the glass window of the A2 bus and caused damages to the tune of Rs.5,000/-.He would further submit that A2 was arrested and enlarged on bail. However he opposed for grant of anticipatory bail to the petitioners.

4.Considering the facts and circumstances of the case and the co-accused/A2 was arrested and enlarged on bail, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is directed 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 made ready, before the learned Judicial Magistrate Court, Tambaram 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 this Criminal Original petition is ordered.

-sd/-
11/02/2021

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 COURT,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU DISTRICT.[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-14, PEERKANKARANAI POLICE STATION,
PERUNKALATHUR, CHENNAI.

+1CC to M/S.M.VIMAL BOBBY CRIMSON Advocate on payment of
necessary charges SR NO.1475

CRL OP.2268/2021

Date :11/02/2021

MK:17/02/2021

WEB COPY