



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Third day of March Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4209 of 2021

1 SELVAM
2 VENKATESH

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
F-2, EGMORE POLICE STATION,
EGMORE, CHENNAI -600 008.
CRIME NO.774 OF 2020

[RESPONDENT]

For Petitioner : M/S.N.SUBRAMANIAM 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 petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 448, 353, 294(b), and 506(i) of IPC and under Section 4 of the TNPWH Act, in Crime No.774 of 2020, on the file of the respondent police, seek anticipatory bail.

2.Totally there are three accused in this case and the petitioners herein are A2 and A3. The case of the prosecution is that the petitioners have abused the defacto complainant who is the employee of the Chennai City Municipal Corporation and prevented him from discharging his official duties. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the main accused/A1 was arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners abused the defacto complainant with filthy language and prevented him from discharging his official duties. He would further submit that this is the second anticipatory bail application and the earlier application was dismissed by this Court and the main accused/A1 was arrested and released on bail. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration, the facts and circumstances of the case and the co-accused/A1 was arrested and released on bail and this is the second anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions.

6. Accordingly, the petitioners are 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 Additional Mahila Metropolitan Magistrate, 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 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:

[a] the petitioners and 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.

[b] the petitioners shall report before the respondent police daily at 10:30 a.m until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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].

[f] If the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.



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

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-sd/-
03/03/2021

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 ADDITIONAL MAHILA METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
F-2, EGMORE POLICE STATION,
EGMORE, CHENNAI -600 008.

+1CC to M/S.N.SUBRAMANIAM Advocate on payment of necessary charges SR NO.2672

CRL OP.4209/2021

Date :03/03/2021

MK:09/03/2021