

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5129 of 2021

PARTHIBAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
REDHILLS POLICE STATION,
CHENNAI.

CR.NO.88 OF 2021.

For Petitioner : M/S.R.TAMIL SELVAN 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, who apprehends arrest for the alleged offences under Sections 294(b), 427 and 506(ii) of I.P.C in Crime No.88 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbours. Due to previous enmity the petitioner along with other accused said to have attacked the auto of the defacto complainant and caused damages to the tune of Rs.5,000/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that there is no previous case pending against the petitioner and in order to show his bonafide he is ready and willing to deposit a considerable amount to the credit of crime no. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned additional public prosecutor would submit that due to previous enmity the petitioner along with other accused said to have attacked the auto of the defacto complainant and caused damages to the tune of Rs.5,000/-. Hence he opposed for grant of anticipatory bail to the petitioner.

7. Considering the facts and circumstances of the case and the fact the petitioner has no bad antecedents and the occurrence taken place in a wordy quarrel, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to deposit a sum of Rs.3,000/- to the credit of Crime No.88 of 2021 on the file of the Judicial Magistrate No. II, Ponneri and on such payment being made, they shall 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 Judicial Magistrate No. II, Ponneri on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 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/-

25/03/2021

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.II, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

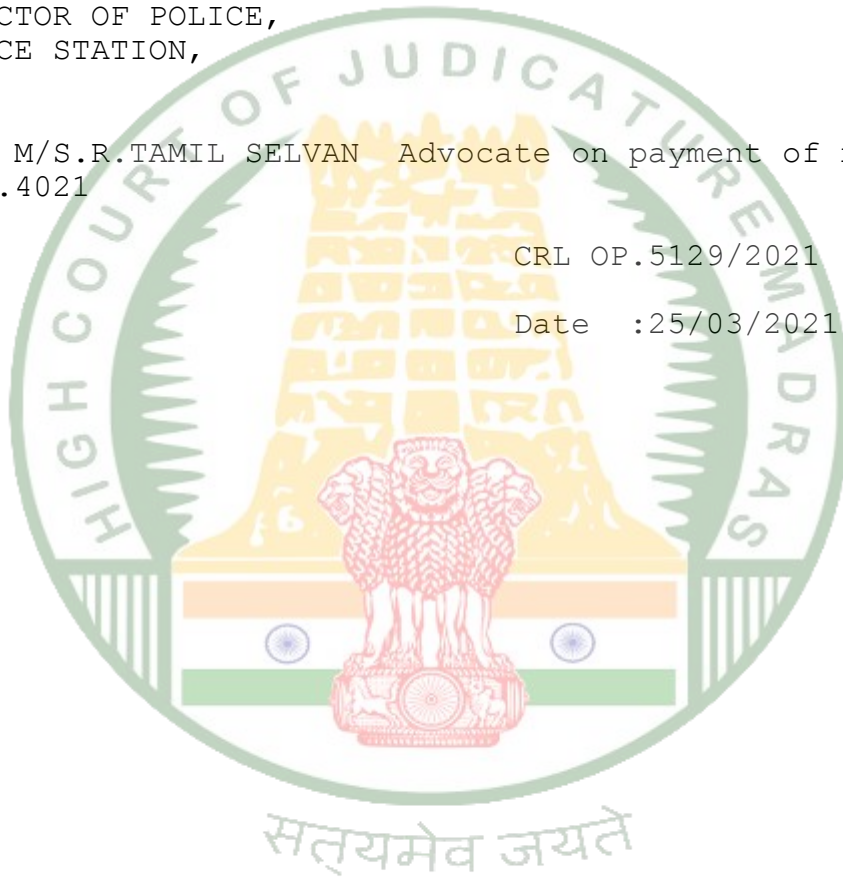
4 THE INSPECTOR OF POLICE,
REDHILLS POLICE STATION,
CHENNAI.

+1 CC to M/S.R.TAMIL SELVAN Advocate on payment of necessary
charges SR.NO.4021

CRL OP.5129/2021

Date :25/03/2021

TA-09/04/2021



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