

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5397 of 2021

M.NARESH

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
T-4, MADURAVOYAL POLICE STATION,
CHENNAI
(CRIME NO.38/2020)

For Petitioner : M/S.S.PORKODI 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 147, 148, 294(b), 341, 336 and 506(ii) of I.P.C r/w Section 41 of Tamil Nadu City Police Act, 1888 , in Crime No.38 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. Totally there are 5 accused in this case and the petitioner is A5. The case of the prosecution is that the petitioner along with other accused unlawfully assembled and celebrated the birthday party and had cut the cake by using sabre and the same was questioned by the defacto complainant. Due to which the petitioner and other accused persons criminally intimidated the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an advocate by profession and he was not aware of the arrangements done by the other accused persons to celebrate the birth day function. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional public prosecutor would submit that the petitioner along with other accused celebrated unlawfully assembled and celebrated the birthday party and had cut the cake by using sabre and caused nuisance to the public and also attacked the defacto complainant. He would further submit that the co-accused/A3 and A4 were arrested and released on bail. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also of the fact that the petitioner only participated in the birthday party, apart from that there is no specific overtact against the petitioner and A3 and A4 were arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners with some conditions.

6. Accordingly, the petitioner is ordered to be released on bail in their 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 No. II, Poonamallee, Thiruvallur on condition that the petitioners 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 daily at 10:30 a.m for a period of two weeks and thereafter 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 229 A IPC.

With the above directions this Criminal Original petition is ordered.

-sd/-
18/03/2021

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,
POONAMALLEE, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-4, MADURAVOYAL POLICE STATION,
CHENNAI

+1CC to M/S.S.PORKODI Advocate on payment of necessary charges SR NO.3619

CRL OP.5397/2021

Date :18/03/2021

MK:01/04/2021

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