

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Second day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5614 of 2021

VIJAY

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
EDAPPADI POLICE STATION,
SALEM DISTRICT.
CRIME NO.94/2021.

For Petitioner : M/S.T.MURUGANANTHAM 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 case has been heard through video conference

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 506(i) of IPC and Section 3(1) TNPPDL Act r/w Section 4(1)(j) of TNP Act, in Crime No.94 of 2021, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running a bakery, wherein the petitioner said to have a tea, at that time, there is a wordy quarrel, in which the petitioner along with other accused persons caused damage to a mirror and also criminally intimidated him. Hence, a criminal case has been registered.

3. The learned counsel appearing for petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that co-accused had already been arrested and thereafter they were released on bail by this Court in Crl.O.P.No.5555 of 2021. Therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there is a wordy quarrel between the parties, as a result of which, the petitioner along with other accused persons have caused damage to a mirror in the shop. He would submit that the investigation is almost completed. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the fact that there was a wordy quarrel between the parties, investigation is almost completed and co-accused had already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. 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 on which the order copy made ready, before the learned Judicial Magistrate, Edappadi, 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.

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

-sd/-
22/03/2021

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,
EDAPPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
EDAPPADI POLICE STATION,
SALEM DISTRICT.

+1CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary charges SR NO.3829

CRL OP.5614/2021

Date : 22/03/2021

MK:01/04/2021

WEB COPY