

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.04.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.7219 of 2021

Sharuhasan @ Charles

... Petitioner

Vs.

The State Rep. by
Inspector of Police,
Adambakkam Police Station
Chennai.
(Crime No.36 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.36 of 2020 pending on the file of the respondent.

For Petitioner : Mr.M.S.Charles

For Respondent : Mr.Charles Premkumar
Govt. Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner apprehends arrest at the hands of respondent police for the offence punishable under Sections 341, 294(b), 307 and 506(ii) of I.P.C. in connection with Crime No.36 of 2020 on the file of respondent police and this is the second petition seeking for anticipatory bail filed by the petitioner.

2. The case of the prosecution is that there was a wordy quarrel between the petitioner and the defacto complainant, as a result of which, the petitioner along with other accused persons waylaid the defacto complainant, abused him with filthy language and also assaulted him, thereby caused injuries and also threatened with dire consequences. Hence, the complaint.

3. Earlier, this Court had passed an order dated 16.02.2021 in Crl.O.P.No.2440 of 2021 dismissing the petition on the ground that there

are two previous cases against the petitioner and some of the accused are arrested.

4. Today, when the matter taken up for hearing, the learned counsel appearing for petitioner would submit that the arrested accused was released on bail, the injured was discharged from the hospital and the investigation is also almost completed.

5. Taking into consideration of the fact that now, the arrested accused was released on bail, the injured was discharged from the hospital and the investigation is also almost completed, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Alandur, on condition that the 2nd petitioner shall execute a separate 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, and on further condition that:

[b] 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;

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders ;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
23/04/2021

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,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ADAMBAKKAM POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.S.CHARLES Advocate on payment of necessary charges

CRL OP.7219/2021

Date :23/04/2021

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MN-29/06/2021