

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01..04..2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.6483 of 2021

Ekambaram

... Petitioner

-versus-

State Rep. by

The Inspector of Police,
Central Crime Branch, Team-32,
Chennai.

(Crime No.356 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.356 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mrs.Susan Mary

For Respondent : Mr.M. Prabavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 24.12.2020 in connection with a case registered in Crime No.356 of 2020 for the offence punishable u/s 294(b) and 448 of IPC @ 143, 147, 294(b), 448, 506(ii) of IPC r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998, seeks bail.

2. The petitioner is arrayed as A5 in the case. The allegation is that on 18.12.2020 at about 11.00 a.m. the petitioner along with the other accused trespassed into the house of a former Judge of Supreme Court of India and threatened the security personnel, abused the inmates of the house and also criminally intimidated them.

3. The learned counsel for the petitioner submitted that the petitioner is innocent of the alleged offence and he has been falsely roped in the case. He has been in custody for the last more than 90 days and the co-accused viz., A1, A2 and A3 had been granted bail by this court.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the petition. She however submitted that final report was filed and the same was also taken cognizance in C.C.No.894 of 2021 by the learned II Metropolitan Magistrate, Saidapet, Chennai.

5. Considering the said fact that the petitioner has been in incarceration for more than 90 days and on filing final report, cognizance has been taken by the learned Magistrate and also on considering the fact that A1, A2 and A3 had been granted bail by this court and the other circumstances of the case, this Court is inclined to grant bail to the petitioner subject to the following conditions:-

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned XI Metropolitan Magistrate, Saidapet, Chennai and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on his release from prison, shall appear before the learned jurisdictional Metropolitan Magistrate on all hearing dates without fail;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) 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/-
01/04/2021

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 METROPOLITAN MAGISTRATE
NO.XI, SAIDAPET, CHENNAI.

2 THE METROPOLITAN MAGISTRATE
NO.II, SAIDAPET, CHENNAI.

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE, सत्यमेव जयते
CENTRAL CRIME BRANCH,
TEAM-32, CHENNAI.

+1 CC to M/S.SUSAN MARY Advocate on payment of necessary charges
SR.No.4419

CRL OP.6483/2021

Date :01/04/2021

cs 07/04/2021