

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.No.6409 of 2021

Suresh Babu

... Petitioner

Vs.

The State Represented by :-

Inspector of Police,

C-4, Somangalam Police Station,

Kancheepuram District.

(Crime No.1325 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.1325 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.M.Ravikumar

For Respondent : Mr.K.Prabhakar

Additional Public Prosecutor

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 386, 392 and 506(ii) of IPC in Cr.No.1325 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons demanded money (Mamool) from the defacto complainant, who is working in old scrap shop at Amarambedu. When the defacto complainant was refused to give the money, the petitioner and other accused persons have attacked him with iron rod and caused injuries. Based on the complainant the Law Enforcing Agency registered a case against the petitioners and other accused.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he is falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that injured person has been discharged from the hospital and there is no previous case pending insofar as this petitioner is concerned.

5. Considering the fact that the injured has been discharged from the hospital and there is also no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sriperumbudur, Kancheepuram District 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 and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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. until further orders;

(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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
08/04/2021

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,
SRIPERUMBUDUR, KANCHEEPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
C-4, SOMANGALAM POLICE STATION,
KANCHEEPURAM DISTRICT.

+1CC to M/S.M.RAVIKUMAR Advocate on payment of necessary charges SR NO.4591

CRL OP.6409/2021

सत्यमेव जयते Date :08/04/2021

MK:20/04/2021

WEB COPY