

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6365 of 2021

C.B.MUVENDHAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
S1 ST.THOMAS MOUNT POLICE STATION,
ST.THOMAS MOUNT,
CHENNAI-600 016.
CR.NO.60/2021.

For Petitioner : MR.SHANMUGA VELAYUTHAM, Senior Counsel for
M/S.J.VEPPARASU Advocate

For Respondent : M/S.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 offences punishable under Section 171 E BS 506(i) of IPC 1860, in Crime No.60 of 2021 on the file of the respondent police, seek anticipatory bail.

2. Totally, there are two accused persons involved in this crime and the petitioner is arrayed as A2. The case of the prosecution is that on information received that the petitioner along with A1, distributing money to the voters in Alanthur Assembly Constituency. Further, the defacto complainant try to prevent them, wherein the accused have criminally intimidated him. Thereafter, the defacto complainant has also given a complaint and recovered a sum of Rs.15,000/- from the petitioner. Hence, the complaint was registered.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He would further submit that the petitioner has given a complaint before the respondent police in Crime No.61 of 2021 against the defacto complainant and it is a case in counter. He would further submit that co-accused had already been arrested and thereafter, he was released on bail. Hence, he prays for grant of anticipatory bail to the other petitioner.

4. The learned Additional Public Prosecutor submitted that there is a case in counter in Crime Nos.60 & 61 of 2021 have been registered by the respondent police. He further submitted that there are no previous case pending as against the petitioner. He would further submit that the injured person has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case that it is a case in counter and the injured person has been discharged from the hospital and the co-accused released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 No.1, Alandur, Chennai, 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/-
30/03/2021

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.I, ALANDUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE, सतयमेव जयते
S1 ST.THOMAS MOUNT POLICE STATION,
ST.THOMAS MOUNT,
CHENNAI-600 016.

+3 CC to M/S.J.VEPPARASU Advocate on payment of necessary charges
SR.No.4317

CRL OP.6365/2021

Date :30/03/2021

cs 17/04/2021