

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6850 of 2021

STEPHEN @ STEPHEN RAJ

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,
F-5, CHOOLAIMEDU POLICE STATION,
CHENNAI.

CRIME NO.618 OF 2020

[RESPONDENT]

For Petitioner : M/S.D.GOPIKRISHNAN Advocate

For Respondent : MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 229-A of IPC in Cr.No.618 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 were granting bail in connection with Crime No.764 of 2012 for an alleged offence under Section 302 of IPC by the Court below. After granting bail, they were failed to appear before the committal Court on hearing days. Subsequently, the non-bailable warrant was also pending as against the co- accused in connection with SC.No.197 of 2015 on the file of the learned VII Additional Sessions Court, Chennai and also the non-bailable warrant is pending as against the petitioner in PRC. No.88 of 2015 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the innocent and he is falsely implicated in this case. During committal proceedings in PRC. No.101 of 2015, on the file of the XVII Metropolitan Magistrate, Saidapet, the petitioner was unable to appear before the Court due to illness. The learned counsel further submitted that the petitioner will take

effective steps for recalling the warrant which was issue by the trial Court, within a period of two weeks. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent vehemently opposed and he submitted that the trial Court was granted bail to the petitioner with certain conditions. But, the same did not comply with by the petitioner. Therefore, the trial has issued a non bailable warrant against the petitioner. However, the petitioner is still absconding. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration of the facts and submissions made by the learned counsel, 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 of receipt of a copy of this order, before the learned XVII Metropolitan Magistrate, Saidapet, 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 is directed to file an appropriate application under Section 70(2) of Cr.P.C for recall the warrant issued by the Court below against him within a period of two weeks from the date of receipt of a copy of this order. Failing which, the respondent police is directed to secure the accused and produce before the trial Court;

(c) the petitioner shall report 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]; and;

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

-sd/-

09/04/2021

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 XVII METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
F-5, CHOOLAIMEDU POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

WEB COPY

CRL OP.6850/2021

Date :09/04/2021

RVR 26/04/2021