

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of April Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.7969 of 2021

N.KAMAL

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY ITS
INSPECTOR OF POLICE,
T-1, AMBATTUR POLICE STATION,
AMBATTUR, CHENNAI.
(CRIME NO.298 OF 2021)

[RESPONDENT]

For Petitioner : M/S. S.PRABHU Advocate

For Respondent : MR.T. SHUNMUGARAJESWARAN, Govt. Advocate
(Criminal Side)

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 offences punishable under Sections 332 and 323 IPC, in Crime No.298 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant is working as Assistant Engineer, Thiruvengatapuram Electricity Board, Ambattur Branch. On the date of occurrence, the de-facto complainant received a power cut complaint and while he along with his employees went to the power cut point and fixing the electrical wire, the petitioner and other accused assaulted them and prevented them from discharging their duties.

3. The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) submitted that on the date of occurrence, while the de-facto complainant and his employees doing repairing work, the accused persons assaulted them and prevented them from discharging their duties.

5. Taking into consideration, the facts and circumstances of the case, 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, Ambattur, 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, the petition for anticipatory bail shall stand dismissed 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 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 daily at 10.30 a.m for a period of two weeks and thereafter, 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
27/04/2021

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
AMBATTUR, CHENNAI DISTRICT
2. THE CHIEF JUDICIAL MAGISTRATE
AMBATTUR, CHENNAI DISTRICT(For information)
3. THE INSPECTOR OF POLICE,
T-1, AMBATTUR POLICE STATION,
AMBATTUR, CHENNAI.
4. THE PUBLIC PROSECUTOR
HIGH COURT MADRAS 104.

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

CRL OP.7969/2021

Date :27/04/2021

SP(24/06/2021)