



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.8467 of 2021

Raja

... Petitioner

-Versus-

The State Rep. by
Inspector of Police,
J-3, Guindy Police Station,
Chennai 600 032.
[Crime No.862 of 2020]

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.862 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Abrar Ahmed

For Respondent : Mr.L.Baskaran,
Government Advocate
[Criminal Side]

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police in connection with a case registered in Crime No.862 of 2020 for the alleged offence under Sections 341, 294(b), 323 and 506(i) of IPC, seeks anticipatory bail.

2. There are totally eight accused in this case and the petitioner has been arrayed as A3. The allegation is that when the de facto complainant, who has been working as Additional Secretary to Government, Tourism Culture and Hindu Religious and Charitable Endowments Department was about to initiate an action against a friend of A1, the petitioner informed A1 to threaten the de facto complainant. Accordingly, A1 along with the petitioner/A3 and two others said to have watched over the movement of the de facto complainant for two days prior to the occurrence and on the date of occurrence, they attacked the de facto complainant and assaulted him with hands and also criminally intimidated him with dire consequences. Hence, a case was registered on a complaint from the de facto complainant.

3. This is second petition for anticipatory bail. This Court, earlier, by order dated 17.02.2021 in Cr1.O.P.No.3002 of 2021 refused to grant anticipatory bail to the petitioner.



4. The learned counsel appearing for the petitioner would submit that the petitioner has nothing to do with the alleged offence and he has been falsely implicated. A simple road rage brawl has been given the colour of criminal offence. The petitioner had not involved in the occurrence and there was no specific overt act attributed to the petitioner. The petitioner was standing at a distance at the time of incident. According to the learned counsel, the co-accused who were arrested and remanded to judicial custody, had been released on bail.

5. The learned Additional Public Prosecutor submitted that major part of investigation is over and all other accused, who were arrested and remanded to judicial custody, had been initially released on interim bail and the interim bail was subsequently made absolute.

6. Considering the submissions made on either side, more particularly, the fact that all other accused had been released on bail and also the fact that substantial part of investigation is over and the custodial interrogation of the petitioner will not be required at this point of time, this court is inclined to grant anticipatory bail to the petitioners on conditions.

(a) 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 IX Metropolitan Magistrate, Saidapet, Chennai and on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:-

(b) 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.

(c) The petitioner shall appear before the respondent police as and when required.

(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 petitioners 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].

(g) 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/-
23/06/2021

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.IX,
SAIDAPET, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
J-3 GUINDY POLICE STATION,
CHENNAI-600 032.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.A.ABRAR AHMED Advocate on payment of necessary charges SR NO.6791

CRL OP.8467/2021

Date :23/06/2021

MK:16/07/2021