

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.9550 of 2021

M.Sakthivel

... Petitioner

Vs.

State Rep. By
The Inspector of Police,
TP Chathiram Police Station,
Chennai.
Crime No.76 of 2021.

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.76 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Jaikumar

For Respondent : Mr.A.Damodaran

Government Advocate (Crl side)

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) & 353 of IPC, in Crime No.76 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that when the defacto complainant, who is the corporation official, was charging a fine of Rs.200/- to the third party who is the owner of the Provision Store, the petitioner intervened and abused the defacto complainant in filthy language. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the abovesaid complaint is false and he did not commit any offence as alleged. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent would submit that the petitioner interfered with the duty of the defacto complainant and abused him in filthy language and further submitted that there is no previous case against the petitioner.

However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above 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 four weeks from the date of normal functioning of the Court below, (i.e.,) before the learned **V Metropolitan Magistrate at Egmore**, 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 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 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 229A IPC.

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-sd/-
26/05/2021

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.V, EGMORE.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

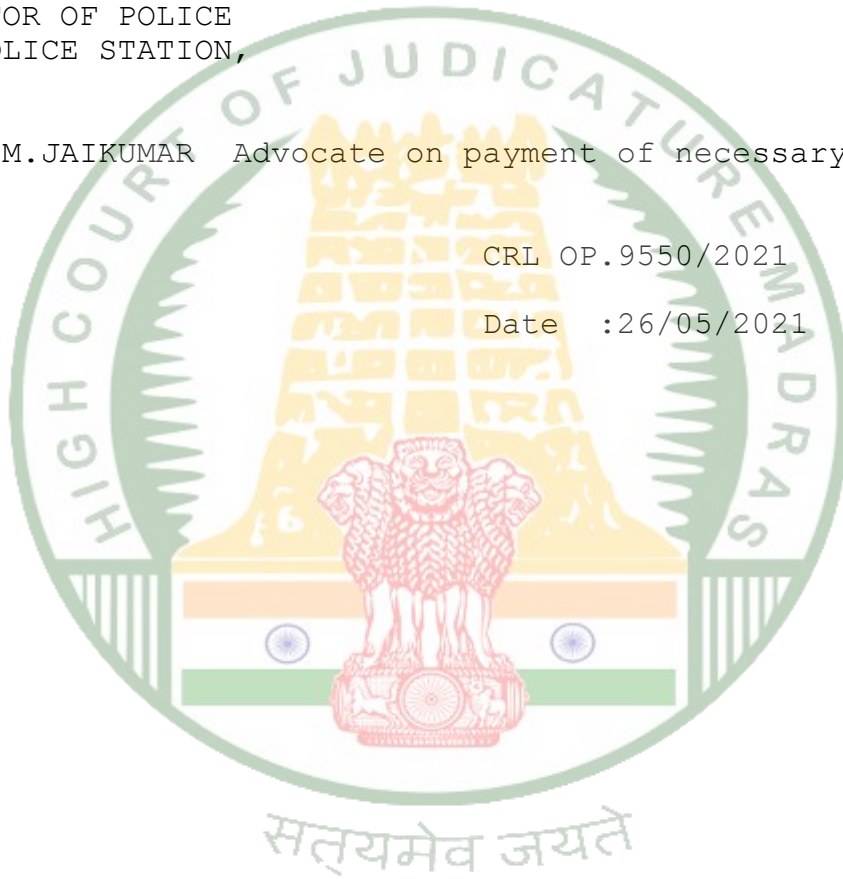
4 THE INSPECTOR OF POLICE
TP CHATHIRAM POLICE STATION,
CHENNAI.

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

CRL OP.9550/2021

Date :26/05/2021

TA-08/07/2021



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