

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.11029 of 2021

Ajay

... Petitioner

Vs.

The State rep. By
The Inspector of Police,
Thirukkalukundram Police Station,
Chengalpattu District.
(Crime No.68 of 2020)

.... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of his arrest in Crime No.68 of 2020 on the file of the respondent police pending investigation.

For Petitioner : M/s.S.Sugendran

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI. Side)

ORDER

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 506(ii) of I.P.C. r/w. Section 4 of TNPWH Act, 2002 in Cr.No.68 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused followed the defacto complainant for a week, abused and intimidated her and also assaulted her, when she questioned their activity.

3.The learned counsel appearing for the petitioner submitted that earlier the petitioner filed CrI.O.P.No.13905 of 2020 before this Court and on 18.09.2020, this Court granted anticipatory bail to the petitioner. Thereafter, the petitioner was not able to furnish sureties and hence the order dated 18.09.2020 lapsed. Thereafter, the petitioner filed CrI.M.P.No.7728 of 2020 in CrI.O.P.No.13905 of 2020 seeking extension of time, however, the said petition was dismissed by this Court on 16.12.2020 with liberty to the petitioner to file a fresh petition. Hence, the petitioner has filed this petition.

4. Heard the submissions made by the learned Government Advocate (Criminal Side).

5. Considering the fact that the petitioner was already granted anticipatory bail by this Court and the said order lapsed due to efflux

of time, this Court is inclined to grant anticipatory bail to the petitioner.

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 Judicial Magistrate at Thirukkalukundram, 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 shall stay at Salem and report before the Salem Town Police Station daily at 10.30 a.m. until further orders;

(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 [(20304) AIR SCW 5560]**; and;

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

-sd/-
01/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
THIRUKKKALUKUNDRAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUKKALUKUNDRAM POLICE STATION,
CHENGALPATTU DISTRICT.

5 THE OFFICER INCHARGE,
SALEM TOWN POLICE STATION,
SALEM.

+1 CC to M/S S.SUGENDRAN Advocate on payment of necessary
charges SR.NO.7063

CRL OP.11029/2021

Date :01/07/2021

TA-12/07/2021



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