

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.No.11348 of 2021

A.Jabastin

... Petitioner

Vs.

The State Represented by :-

Inspector of Police,

V-5, Thirumangalam Police Station,

Chennai-44.

(Crime No.321 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of his arrest in Crime No.321 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.J.B.Solomon Peter Kamal Doss

For Respondent : Mr.C.E.Pratap
Government Advocate (Cr1 side)

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 448, 324, 354 of IPC and Section 4 of women Harassment Act in Cr.No.321 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the friend of the tenant and the defacto complainant is the grand daughter of the landlord. A dispute was arose between the petitioner and the defacto complainant regarding the return of lease amount. Thereby, the Law Enforcing Agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submit that the petitioner is innocent and he has not been committed any offence as alleged by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate submits that the victim has been treated as out-patient in the hospital.

5. Considering the fact that the victim sustained only simple injuries and he has taken treatment as an out-patient, 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 XIII Metropolitan Magistrate, Egmore, Chennai, 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 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 petitioners 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;

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

-sd/-

02/07/2021

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.XIII,
EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
V-5, THIRUMANGALAM POLICE STATION,
CHENNAI - 600 044.

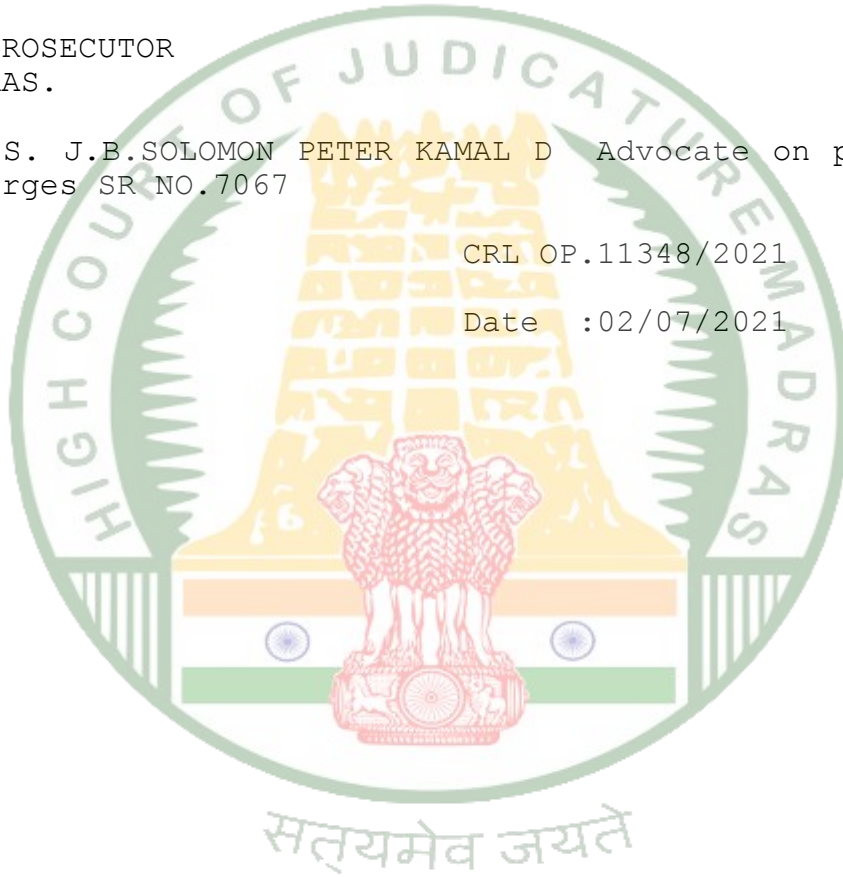
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. J.B.SOLOMON PETER KAMAL D Advocate on payment
of necessary charges SR.NO.7067

CRL OP.11348/2021

Date :02/07/2021

MK:13/07/2021



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