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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11789 of 2021

Devaneethi

...Petitioner

Vs.

The Inspector of Police,
JJ Nagar Police Station,
Anna Nagar District
Chennai.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C, prayed to enlarge the petitioner on bail in the event of his arrest in Crime No.128 of 2021 by the respondent Inspector of Police, JJ Nagar Police Station, Anna Nagar District, Chennai.

For Petitioner : Mr.Ashokkumar D

For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 229A of IPC, in Crime No.128 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that originally the case was registered under Section 447, 427 and 506(ii) IPC in Crime No.462 of 2002 on the file of the respondent police and the case taken up in C.C.No.424 of 2003, before the learned Judicial Magistrate, Ambattur. Further, the petitioner is the sole accused. When the matter was posted for judgment on 04.03.2021, he did not appear, as a result, NBW was issued. Subsequently, on his appearance before the learned Judicial Magistrate on 02.04.2021, the learned Judicial Magistrate ordered to release him subject to the condition that he must report daily by 10.30 a.m., and to sign. However, it appears that on the fear that he may be tested positive for Covid-19, he did not appeared before the learned Magistrate on 03.04.2021, 04.04.2021 and 08.04.2021. Therefore, the learned Magistrate issued notice on 08.04.2021 calling for his explanation as to why the bail should not be cancelled with a direction to the petitioner to appear on 09.04.2021. He did not appear on 09.04.2021 and therefore, warrant was issued. Thereafter, the petitioner has filed a petition before this Court in Crl.O.P.No.9131 of 2021 seeking to the learned Magistrate Ambattur, to accept the surrender of the petitioner and



recall the NBW issued against him on the very same day. This Court had disposed the petition in CrI.O.P.No.9131 of 2021 stated that the petitioner was directed to surrender before the learned Magistrate and seek regular bail. On such surrender the learned Magistrate was directed to dispose the bail application on the same day on merits and pronounce the judgment if possible, immediately on the same day. Thereafter, on the very same issue the respondent police had registered the case in Crime No.128 of 2021.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.Heard the learned Government Advocate (CrI.Side) appearing for the respondent police.

5.Considering the facts and circumstances of the case, 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, Ambattur, Industrial Estate, 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) if the petitioner fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(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 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;



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

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-sd/-
08/07/2021

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 JUDICIAL MAGISTRATE,
AMBATTUR, INDUSTRIAL ESTATE,
CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
JJ NAGAR POLICE STATION,
ANNA NAGAR, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.ASHOKKUMAR D. Advocate on payment of necessary charges SR.NO.7246

CRL OP.11789/2021

Date :08/07/2021

INBA 23/07/2021