



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.12307 of 2021

WEB COPY

Charles

... Petitioner

Vs.

The State Represented by :-

... Respondent

The Inspector of Police,
Maraimalai Nagar Police Station,
Chengalpattu District.
(Crime No.764 of 2021)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.764 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.M.Jaikumar

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1 side)

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 448, 341, 294(b), 323, 386 and 506(ii) of IPC and Section 3(1) of TNPP Act 1992 in Cr.No.764 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is arrayed as A3. A1 is the landlord and the defacto complainant is the tenant, who is running a tea and juice stall. A1 demanded the complainant to vacate the shop. But the complainant claimed that he spent Rs.20 lakhs for developing the shop. On 29.06.2021, the petitioner along with other accused came to the shop and damaged to the tune of Rs.60,000/- and pushed down the defacto complainant. Based on the complainant lodged by the defacto complainant, the Law Enforcing Agency registered a case against the petitioner and other accused persons.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and the petitioner has not committed any offence as alleged by the prosecution and he is falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate submits that no one sustained injuries.

5. Considering the fact that no one sustained injuries and there is no serious allegation against this petitioner, 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-II, Chengalpattu 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. 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 [(2005) AIR SCW 5560]; and;

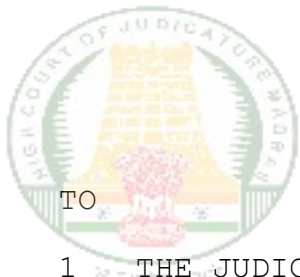
(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
15/07/2021

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.



1 THE JUDICIAL MAGISTRATE NO.II,
CHENGALPATTU.

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

3 THE INSPECTOR OF POLICE,
MARAIMALAI NAGAR POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.JAIKUMAR Advocate on payment of necessary
charges SR.NO.7433

CRL OP.12307/2021

Date :15/07/2021

INBA 22/07/2021