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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12737 of 2021

Govindan @ Govindaraj ... Petitioner

Vs.

State rep. by
The Inspector of Police,
E-2, Tirukalukundram Police Station,
Chengalpattu.
(Crime No.454 of 2021) ... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner/ accused on anticipatory bail in the event of his arrest for the alleged offences u/s.147, 148, 448 of IPC r/w. 3(1) of Prevention of Damage to Public Property Act in Crime No.454 of 2021 on the file of the respondent The Inspector of Police, Tirukalukundram Police Station, Chengalpattu.

For Petitioner : Mr.M.Hussaini Basha

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

O R D E R

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 448 of IPC r/w. 3(1) of Prevention of Damage to Public Property Act in Cr.No.454 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have trespassed into the defacto complainant's house and caused damage to the tune of Rs.10,000/-

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case.

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

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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 II Metropolitan Magistrate at 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. 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/-
23/07/2021

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 II METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
E-2 TIRUKALUKUNDRAM POLICE STATION,
CHENGALPATTU.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.HUSSAINI BASHA Advocate on payment of necessary charges Sr.7655

CRL OP.12737/2021

Date :23/07/2021

RVR 29/07/2021

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