

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.18007 of 2020

Dharmaraj

... Petitioner

Vs.

The State Rep. by
Station House Officer,
Nellikuppam Police Station,
Cuddalore District.
(Crime No.1194 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on bail in the event of his arrest in Crime No.1194 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.A.M.Rahamath Ali

For Respondent : Mr.S. Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are 12 accused and the petitioner was arrayed as A8. He apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120-B, 147, 148, 294(b), 302 r/w 149 of IPC, in Crime No.1194 of 2020 on the file of the respondent police, and he has filed the above petition seeking for anticipatory bail.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a practising advocate and the occurrence has been taken place due to some election dispute. Even though some overtact has been attributed in the F.I.R., now after investigation, the final report has been filed implicating the petitioner only under Sec.149 of I.P.C. and no specific overtact attributed against the petitioner. The learned counsel would also submit that the other accused were released on bail. In the said circumstances, the present complaint has been filed.

4. The learned Additional Public Prosecutor would submit that the petitioner is also one of the accused involved in the offence. Now, the investigation was over, the final report was also filed, and the matter is pending for committal. He has also submitted that the other arrested accused were released on bail.

5. Taking into consideration of the fact that the other arrested accused were released on bail, the petitioner is implicated as accused under Sec.149 of I.P.C., the final report has also been filed and the matter is pending for committal, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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-I, Cuddalore, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall appear before the respondent police as and when required for interrogation;

[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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

06/01/2021

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,
NO.I, CUDDALORE

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

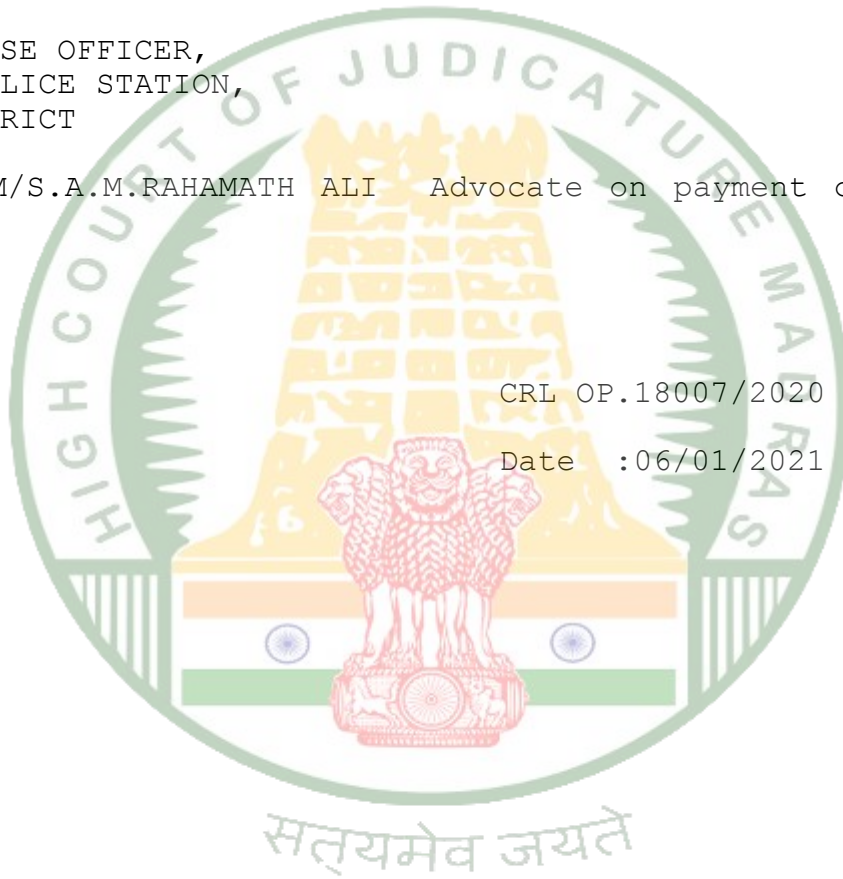
4 STATION HOUSE OFFICER,
NELLIKUPPAM POLICE STATION,
CUDDALORE DISTRICT

CC to M/S.A.M.RAHAMATH ALI Advocate on payment of necessary
charges sr.126

CRL OP.18007/2020

Date :06/01/2021

RVR 22/01/2021



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