

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18927 of 2020

C.C.NO.68 OF 2019

(ON THE FILE OF THE SPECIAL MAGISTRATE COURT-V, HYDERABAD)

DIVAKER

[PETITIONER / ACCUSED]

Vs

1 THE STATE REP BY [RESPONDENTS]
THE COMMISSIONER OF POLICE,
GREATER CHENNAI, VEPEY,
CHENNAI-600 007.

2 THE INSPECTOR OF POLICE
S-9 PALAVANTHAGAL POLICE STATION,
CHENNAI-600 061.

3 THE STATION HEAD OFFICER
AFZALGUNJ POLICE STATION,
AFZAL GUNJI,
HYDERBAD,
TELANGANA-500 012.

For Petitioner : M/S M.BALAJI Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for alleged offences punishable under Section 138 of the Negotiable Instruments Act, 1881 read with 420 of IPC in C.C.No.68 of 2019, on the file of the Special Magistrate Court-V, Hyderabad, seeks inter-State anticipatory bail.

2.On the basis of a complaint, the third respondent police have registered a case in C.C.No.68 of 2019 under the aforementioned sections against the petitioner and has issued notice to the petitioner for his appearance for enquiry.

3. Taking into consideration the nature of allegation in the FIR, this Court is inclined to grant inter-State anticipatory bail to the petitioner as per the judgment of the Division Bench of this Court in **S.P.Shanthi Swaroop Vs. State of Tamil Nadu rep. By Assistant Commissioner of Police, Central Crime Branch, Madras (1992 LW (Cr1) 475)**, for a period of two weeks from today. In the meantime, the petitioner shall work out his remedies before the jurisdictional Court in Hyderabad. Grant of this anticipatory bail would only protect the petitioner from arrest in Tamil Nadu and cannot mean that he would be entitled to regular anticipatory bail from the jurisdictional court.

4. Accordingly, the petitioner is ordered to be released on inter-State anticipatory bail for a period of two weeks 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, Alandur, 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, 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 magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Trial Judge 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 Trial Judge himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

16/04/2021

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 SPECIAL MAGISTRATE COURT-V,
HYDERABAD.

2 THE JUDICIAL MAGISTRATE,
NO.I, ALANDUR.

3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

4 THE COMMISSIONER OF POLICE,
GREATER CHENNAI, VEPERY,
CHENNAI-600 007.

5 THE INSPECTOR OF POLICE
S-9 PALAVANTHAGAL POLICE STATION,
CHENNAI-600 061.

6 THE STATION HEAD OFFICER
AFZALGUNJ POLICE STATION,
AFZAL GUNJI,
HYDERBAD,
TELANGANA-500 012.

7 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S M.BALAJI Advocate on payment of necessary charges

CRL OP.18927/2020

Date :16/04/2021

TA-23/04/2021

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