



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18999 of 2021

BAWISH KUMAR@RAJESH

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
F-2, EGMORE POLICE STATION,
CHENNAI.
(CRIME NO.585 OF 2021)

[RESPONDENT]

For Petitioner : M/S. R.JAYAPRATHAP Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 294(b), 353 and 328 of IPC r/w 24(1) of COPTA Act in Cr.No.585 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons sold banned Mava of worth Rs.10,000/- illegally and the same was seized by the respondent police.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- in favour of "The Commissioner, Greater Chennai Corporation for the purpose of improving and maintaining the Corporation Schools under the control of Greater Chennai Corporation, Rippon Building, Chennai".

4.The learned Government Advocate (Crl.Side) submitted that the petitioner was found in illegal possession of Mava of worth Rs.10,000/-. Hence, he opposed to grant anticipatory bail to the petitioner.



5. Considering the facts and circumstances of the case and the submissions made by the learned counsel for both sides, I am inclined to grant anticipatory bail to the petitioner.

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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 XIV Metropolitan Magistrate, Egmore, Chennai-600008, 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 failed 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 shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of The Commissioner, Greater Chennai Corporation for the purpose of rehabilitation and improvement of the basic needs of the Corporation Schools under the control of Greater Chennai Corporation, Rippon Building, Chennai under necessary acknowledgment. The above contribution is made without prejudice to his defence before the trial court and the petitioner shall submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner;

(c) 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;

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

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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;



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

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-sd/-
08/10/2021

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.

TO

1 THE XIV METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI-600 008.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
F-2, EGMORE POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE COMMISSIONER,
GREATER CHENNAI CORPORATION,
CHENNAI.

+1CC to M/S. R.JAYAPRATHAP Advocate on payment of necessary charges SR.NO.11345

CRL OP.18999/2021

Date :08/10/2021

CSK 28/10/2021