

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.21117 of 2020

Abdul yasin

... Petitioner

Vs.

State by
The Inspector of Police,
D-2, Anna Salai Police Station
Mount Road,
Chennai-600 002.
(Crime No.1126 of 2020)

... Respondents

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail, in the event of arrest by the respondent police for the alleged offences u/s.294(b), 341, 353 and 506(i) IPC in Crime No.1126 of 2020 on the file of the respondent police pending investigation.

For Petitioners: Mr.Mohammed Rafi

For Respondent : Mr.S.Karthikeyan

Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Sections 294(b), 341, 353 and 506(i) IPC in Crime No.1126 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was running an automobile extra fittings shop. When the defacto complainant who is the traffic Sub-Inspector of Police was on duty on 09.12.2020, stopped the staff of the petitioner and questioned when he came in a no-entry road, in which, a wordy quarrel arose and the petitioner abused and threatened the defacto complainant and prevented to discharge his duty. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has nothing to do with the alleged offence and he has been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor on instructions would submit that the petitioner is said to have abused and threatened and also prevented him from doing his duty.

5. Considering the facts and circumstances of the case and taking note of the fact that if only a wordy quarrel between the parties and no one sustained injury, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 on which the order copy made ready, before the learned XXII Metropolitan Magistrate, 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[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]**.

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

-sd/-

08/01/2021

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 XXII METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
D-2, ANNA SALAI POLICE STATION,
MOUNT ROAD, CHENNAI - 600 002.

+1 CC to M/S. M.MOHAMMED RAFI Advocate on payment of
necessary charges SR NO. 321

CRL OP.21117/2020

Date :08/01/2021

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MN-20/01/2021