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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.22072 of 2021

Sivakumar @ Sandeep

...Petitioner

Vs

State rep by:

The Inspector of Police,
H-5 New Washermanpet Police Station,
Chennai.

Crime No.600/2018

Prayer: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on Anticipatory bail in Crime No.600 of 2018 on the file of the H-5 New Washermanpet Police Station, Chennai.

For petitioner : Mr.R.Rajesh Kumar

For respondent : Mr.N.S.Suganthan
Government Advocate
(Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence punishable under Sections 294(b), 323, 324 and 506(2) of IPC, in Crime No.600 of 2018 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 abused the defacto complainant in filthy language and also assaulted him. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that injured has been discharged from hospital and the co-accused has been released on bail. However, he opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions on either side and also the fact that the victim has been discharged from the hospital, 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 XV Metropolitan Magistrate, George Town, 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 his 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 on every Wednesday 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.

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-sd/-

24/11/2021

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 XV METROPOLITAN
MAGISTRATE, GEORGE TOWN, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
H-5, NEW WASHERMENPET POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.RAJESH KUMAR Advocate on payment of necessary charges

CRL OP.22072/2021

Date :24/11/2021

RW 09/12/2021