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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM:

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

Cr1.O.P.No.22422 of 2021

Swaminathan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Tambaram Police Station,
Kanchipuram District.
(Crime No.910 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in connection with the Crime No.910 of 2021 on the file of the respondent Police.

For petitioner : Mr.D.Mahesh

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(i) of IPC in Crime No.910 of 2021 seeks anticipatory bail.

2. The case of the prosecution is that following a wordy quarrel due to property dispute, the petitioner assaulted the defacto complainant and criminally intimidated him.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.



4.The learned Government Advocate submitted that the investigation is almost completed and there is no previous cases pending against this petitioner.

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5.Taking into consideration, the facts and circumstances of the case and there is no previous cases pending against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate No.I, Tambaram, on condition that the petitioners shall execute a 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:

[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 report before the respondent police every Wednesday at 10.30 a.m., for a period of four 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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-sd/-
26/11/2021

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 JUDICIAL MAGISTRATE,
NO.I, TAMBRAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TAMBARAM POLICE STATION,
KANCHIPURAM DISTRICT.

+1 CC to M/S.D.MAGESH Advocate on payment of necessary charges
SR.NO.13507

CRL OP.22422/2021

Date :26/11/2021

TA-02/12/2021