



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22396 of 2021

1. Aivin

2. S.J.Raja

... Petitioners

(2nd petitioner was dismissed as withdrawn
in this Crl.O.Ps., order dated 25.11.2021)

Versus

State Rep by
The Inspector of Police
J-8, Neelangarai Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest by the respondent police in S.C.No.154 of 2019 on the file of the Principal District Judge, Chengalpet in Crime No.1798 of 2018 on th file of the respondent police.

For Petitioners : Mr.R.Muthukumar

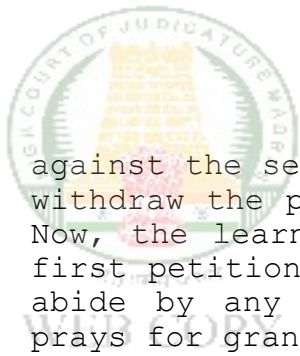
For Respondent : Mr.N.S,Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 341, 294(b), 302, 506(2), 149 and 114 of IPC in S.C.No.154 of 2019 on the file of the Principal District Judge, Chengalpet in Crime No.1798 of 2018 on the file of the respondent police, seek anticipatory bail.

2. When the case was posted for hearing they did not appear before the Court. Accordingly, the lower Court issued Non Bailable Warrant against the first petitioner on 05.02.2020 and second petitioner on 31.03.2021 for their non appearance.

3. On earlier occasion, the learned counsel appearing for the petitioners seeks permission of this Court to withdraw the petition as



against the second petitioner and this Court had granted permission to withdraw the petition as against the second petitioner on 25.11.2021. Now, the learned counsel for the first petitioner submitted that the first petitioner is now ready to appear before the trial Court and to abide by any stringent conditions imposed by this Court. Hence he prays for grant of anticipatory bail to the first petitioner.

4.The learned Government Advocate (Crl.Side) submitted that there are eight previous cases pending against the first petitioner. However, he vehemently opposed for grant of anticipatory bail to the first petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

6.Accordingly, the first 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 Principal District Judge, Chengalpet, on condition that the first 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 first petitioner fail 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 first petitioner and 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;

(c) the first petitioner shall appear before the learned Principal District Judge, Chengalpet, on daily at 10.30 a.m., until further orders.

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

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

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the first petitioner in



accordance with law as if the conditions have been imposed and the first 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;

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

-sd/-
01/12/2021

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 PRINCIPAL DISTRICT JUDGE,
CHENGALPET

2 THE INSPECTOR OF POLICE,
J-8, NEELANGARAI POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.22396/2021

Date :01/12/2021

JPA 08/12/2021