



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

WEB COPY

CORAM:

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

Crl.O.P.No.23456 of 2021

Ahamed Siddique

.. Petitioners

Vs.

The State Rep.by
Inspector of Police
Neelankarai,
Chennai.
Crime No.789 of 2021.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in connection with the crime No. 789 of 2021 on the file of the respondent police.

For Petitioner : Mr.G.Mohammed Aseef

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b), 323 of IPC and Section 4 of TNPHW Act in Crime No.789 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant went to the petitioner's shop and talked with the petitioner, there arose wordy quarrel and thereby, the petitioner brutally assaulted the defacto complainant and abused him in filthy language. Hence the complaint.

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



4.The learned Government Advocate (Crl side) on instructions submits that there is no previous case as against the petitioner. He further submits that investigation was almost completed.

5. Considering the submissions made by both counsel and also considering the fact that there is no previous case as against the petitioner and investigation was almost completed, 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 **learned Judicial Magistrate, Alandur**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** each, 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 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;

(b)**the petitioner shall report before the respondent police on every Saturday 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 has been imposed and the petitioner is 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.

WEB COPY

-sd/-
06/12/2021

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 JUDICIAL MAGISTRATE,
ALANDUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NEELANKARAI,
CHENNAI.

+1 CC to M/S G.MOHAMMED ASEEF Advocate on payment of necessary charges SR.NO.14144

CRL OP.23456/2021

Date :06/12/2021

TA-10/12/2021