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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM:

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

CrI.O.P.No.23693 of 2021

M.Kannan

... Petitioner

Vs.

State Rep.by
The Inspector of Police(L&O)
K-10, Koyambedu Police Station,
Chennai.
Crime No.1094 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 crime No. 1094 of 2021 on the file of the K-10, Koyambedu Police Station.

For Petitioner : Mr.P.G.Santhosh Kumar

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

ORDER

The petitioner who apprehends arrest for the alleged offence under Sections 147, 148, 353, 307, 506 (ii) of IPC in Cr.No.1094 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on the date of occurrence, the Executive Officer of Arulmigu Marga Sagaya Easwarar Temple along with other H.R. & C.E higher official went to petitioner premises to lock and seal as the premises belonged to the said temple. During that time, the petitioner wantonly restrained the defacto complainant and other officials from discharging their official duty. Further, he threatened them by pouring kerosene on himself in order to avoid lock and seal procedures by the authorities. Thereby, the law enforcing agency registered a case against the petitioner.



3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that the petitioner is not present in the scene of occurrence. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submitted that there is no previous case pending against the petitioner and the investigation is almost completed. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and considering the age of the petitioner is aged about 52 years, this Court is inclined to grant anticipatory bail to the petitioner, with conditions.

6.Accordingly, the petitioner is ordered to be released on anticipatory 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 V 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 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 Tuesday and Sunday at 10.30 a.m. for a period of four weeks and 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 anticipatory 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/-
08/12/2021

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 METROPOLITAN MAGISTRATE,
NO.V, EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE (L AND O),
K-10, KOYAMBEDU POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.G.SANTHOSH KUMAR Advocate on payment of necessary charges SR.NO.14295

CRL OP.23693/2021

Date :08/12/2021

JPA 16/12/2021