



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24032 of 2021

1.Ikran Basha
2.Mohammed Fazil Basha

... Petitioners

Versus

State Rep by
The Inspector of Police,
District Crime Branch,
Kanchipuram District.
(Crime No.37 of 2012)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest by the Respondent police pending trial in C.C.No.260 of 2014 on the file of the Judicial Magistrate-II, Chengalpattu.

For Petitioners: Mr.D.Saikumarran

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under section 420, 506(ii) r/w Section 34 of Indian Penal Code, in Crime No.37 of 2012 seeks anticipatory bail.

2. The learned counsel appearing for the petitioners submits that the respondent police filed a charge sheet in C.C.No.260 of 2014 before the Judicial Magistrate-II at Chengalpattu and the petitioners attending the case regularly. It is alleged that on 23.11.2021, the petitioners were affected by viral fever due to which, the petitioners had not appeared before the trial Court thereafter. Hence, the trial



Court has passed an order for Non Bailable Warrant (NBW) on 23.11.2021 against the petitioners. However, he pray for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that already this Court granted anticipatory bail to the petitioners and further the trial Court has passed an order for Non Bailable Warrant (NBW) on 23.11.2021 against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners and the petitioners must appear for the trial Court proceedings regularly without fail.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance before the Learned Judicial Magistrate - II, Chengalpattu on condition that the petitioners shall execute a bond for 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners are directed to appear before the respondent police daily at 10.30.a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

13/12/2021

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,
NO.II, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KANCHIPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. D.SAIKUMARRAN Advocate on payment of necessary charges SR.NO.15621

CRL OP.24032/2021

Date :13/12/2021

RW 28/12/2021