



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24499 of 2021

Praveen Kumar

... Petitioner

Versus

State represented by
The Inspector of Police,
V-3, J.J.Nagar Police Station,
Chennai.
(Crime No.945 of 2020)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest pending investigation in Crime No.945 of 2020, on the file of the Inspector of Police, V-3, J.J.Nagar Police Station, Chennai.

For Petitioner : Mr.P.Sundara Rajan

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

O R D E R

The petitioner, who apprehends arrest for the alleged offence under Sections 147, 148 of IPC and 25(1A) of Arms Act 1959 and 9(B)(1)(b) of Explosive Act 1884 in Crime No.945 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the respondent registered the case against the other petitioner, hence move the bail application already moved before this Hon'ble Court in Crl.O.P.No.10588 of 2020 dated 16.07.2020 granted the petitioner on condition not comply the condition. Hence, NBW issued by the Judicial Magistrate, Ambattur on 10.03.2021. The co-accused already released on bail. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the NBW issued and co-accused already released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Ambattur, 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 is directed to surrender before the trial Court i.e., learned Judicial Magistrate, Ambattur and file a petition under Section 70(2) of Cr.P.C., to recall the non bailable warrant.

(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]; and;



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

-sd/-

15/12/2021

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,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
V-3, J.J.NAGAR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.SUNDARA RAJAN Advocate on payment of necessary charges Sr.14800

CRL OP.24499/2021

Date :15/12/2021

RVR 16/12/2021