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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM:

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

Cr1.O.P.No.24508 of 2021

L.Bright Fernandus

... Petitioner

Vs.

State Inspector of Police
B2, Thiruvallur Taluk Police Station,
Thiruvallur District.
Crime No.595 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the the petitioner on bail in the event of arrest at the hands of the respondent pending investigation in Crime No.595 of 2021 on the file of the respondent police.

For Petitioner : M/s.S.Senthilvel

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Cr1.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b), 323,324 and 506(ii) of IPC in Crime No.595 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 22.11.2021 at about 12.30 when the defacto complainant's brother was proceeding to the defacto complainant's house in his motor cycle, at that time, three persons who are having Tea in the Tea Shop in the street, his brother unfortunately hit them, due to which, there was wordy quarrel arose between them and the petitioner abused the defacto complainant with filthy language, assaulted her, threatened her with dire consequences and also caused injuries on her. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that 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 the petitioner is a Law College Student. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the injured has been sustained simple injury and he has taken treatment as out patient. However, he vehemently opposed to grant bail to the petitioner.

5. Considering the submissions made by both counsel and also considering the fact that the injured has been sustained simple injury and he has taken treatment as out patient, 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 VI Metropolitan Magistrate, Egmore 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 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.

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-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 METROPOLITAN MAGISTRATE,
NO.VI, EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
B2 THIRUVALLUR TALUK POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.ENTHILVEL Advocate on payment of necessary charges SR.NO.14869

CRL OP.24508/2021

Date :15/12/2021

RW 29/12/2021