



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2021

CORAM:

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

Cr1.O.P.No.24659 of 2021

Swaminathan

... Petitioner

Vs.

The Inspector of Police
T7, Tank Factory Police Station,
Chennai.
Crime No.Not Known/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 in Crime No.Not known/2021 on the file of the Inspector of Police, T-7, Tank Factory Police Station, Chennai.

For Petitioner : M/s.R.Senthil Kumar

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(i) of IPC in Crime No.Not Known, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 12.12.2021, due to wordy quarrel between the petitioner and the defacto complainant, the petitioner abused the defacto complainant, assaulted him, threatened him with dire consequences. 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 when the petitioner and others were standing in the premises of the flat at that time, the defacto complainant in a drunk mood, ridden his two wheeler in a rash and negligent manner,



the said attitude of the defacto complainant was questioned by the petitioner and others, the defacto complainant wantonly made quarrel with them. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

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4. The learned Additional Public Prosecutor submits that the the Crime Number was assigned as Cr.No.445 of 2021.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel, 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, 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 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/-
16/12/2021

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 DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
T-7 TANK FACTORY POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.SENTHILKUMAR Advocate on payment of necessary
charges SR.NO.14898

CRL OP.24659/2021

Date :16/12/2021

CSK 27/12/2021