



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25262 of 2021

Venkatesan

... Petitioner

Versus

State represented by its
The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai - 600 010.

... 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 arrest by the respondent police in S.C.No.301 of 2017, pending trial on the file of Learned VI Additional City Civil Judge, Chennai.

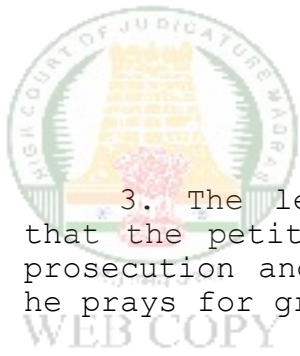
For Petitioner : Mr.D.Dayalan

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

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 341, 324, 307 r/w 120(b) of IPC in S.C.No.301 of 2017 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity between A1 and defacto complainant, A1 along with other accused person and petitioner had attacked the defacto complainant brutally. Subsequently charge sheet had been filed and it was pending trial before the learned VI Additional City Civil Judge, Chennai in S.C.No.301 of 2017, initially after receiving summons he had appeared regularly and on 15.03.2018 the petitioner had not appeared before the trial Court, hence the learned VI Additional City Civil Judge, Chennai had issued Non Bailable Warrant against the petitioner for his non appearance and till date the Non Bailable Warrant is pending against the petitioner. 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 3 previous cases pending against the petitioner. 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 VI Additional City Civil Judge, Chennai 600 104, 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 VI Additional City Civil Judge, Chennai 600 104 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/-
22/12/2021

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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 VI ADDITIONAL CITY CIVIL JUDGE,
CHENNAI.

2 THE INSPECTOR OF POLICE,
G3, KILPAUK POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. D.DAYALAN Advocate on payment of necessary charges
SR.NO.15393

CRL OP.25262/2021

Date :22/12/2021

JPA 28/12/2021