



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Cr1.O.P.No.847 of 2022

K.Mohammed Ikbali

... Petitioner

Vs.

State Rep. by Inspector of Police,
Velachery Police Station,
Chennai
(Crime No.1042 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in connection with the complaint in Crime No.1042 of 2021 on the file of the respondent police pending investigation on the alleged crime.

For Petitioner : Mr.G.Vijayakumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 506 (I) and 294(b) of I.P.C. in Cr.No.1042 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a dispute between the petitioner and the defacto complainant regarding previous enmity and land dispute already existing between them, due to which, the petitioner abused the defacto complainant in filthy language and threatened with dire consequences. Due to the erstwhile enmity, the defacto complainant raised the complaint against the petitioner. Hence, this petition.



3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any such offences as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the respondent police acting on the false complaint, and the respondent police is attempting to close the earlier civil suit which was pending in trial in their favour by way of present false complaint. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor raised objections and stated that the defacto complainant had already lodged Civil Suit (Civil Suit in O.S.No.6196 of 2021) against the petitioner. He further submitted there may be a chance to threaten the defacto complainant. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the submissions made by both the counsel, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Metropolitan Magistrate No.XVIII Saidapet, Chennai 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 conditions that,

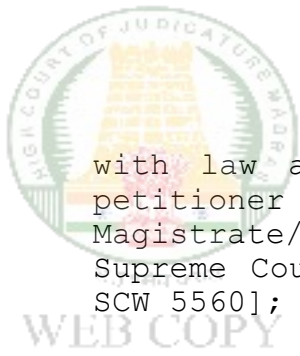
[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police on 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;

-sd/-
12/01/2022

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.XVIII, SAIDAPET, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
VELACHERY POLICE STATION, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to G.VIJAYAKUMAR Advocate on payment of necessary charges

CRL OP.847/2022

Date :12/01/2022

JPA 24/01/2022