



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

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

Cr1.O.P.No.929 of 2022

Ramesh

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.
(Crime No.639 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in crime No.639 of 2021, on the file of the respondent Police.

For Petitioner : Mr.S.Thiyagarajan

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 294(b), 323, 353, 307 and 506(ii) of IPC, in Cr.No.639 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 07.11.2019, the Sub Inspector of the respondent police station lodged a complaint that on 07.11.2019 when the police officials conducted regular vehicle checkup near redhills Tollgate, the petitioner and others, who came in a car, tried to hit the police vehicle and damaged the same and picked up quarrel with the police officials. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the co-accused was arrested and released on bail. The petitioner further submits that factually no such occurrence took place as alleged by the respondent police. For statistical purpose only, the above case was registered by the respondent police. The petitioner humbly submits that factually he was inside in Salem Central prison in Crime No.294 of 2019 on the file of the Sooramangalam Police Station.



During the custody period, on 28.04.2021, the respondent police served an arrest report stating that he has been arrested in this case in Crime No.639 of 2019 on the file of the respondent police as PT Warrant but the investigation officer did not produce the petitioner before the concerned Magistrate to execute the PT warrant and failed to arrest him in the present case. Hence, he prayed to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that the Co-accused has been arrested and released on bail and the investigation is almost completed.

5. Considering the facts and circumstances of the case and also the submissions made by both 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 Judicial Magistrate No.II, Ponneri, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for an 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 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.

WEB COPY

-sd/-
20/01/2022

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 JUDICIAL MAGISTRATE,
NO.II, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to S.THİYAGARAJAN Advocate on payment of necessary charges

CRL OP.929/2022

Date :20/01/2022

JPA 25/01/2022