



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

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

Crl.O.P.No.1015 of 2022

Eliyas Mansoor

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
Adambakkam Police Station,
Kancheepuram District.
(Crime No.335 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.335 of 2021, on the file of the respondent Police.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor
(DATED 20/01/2022)

MR.L.BASKARAN, Govt. Advocate (Crl.Side)
(DATED 28/02/2022)

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 147, 148, 294(b), 452, 427, 436 and 506(ii) of IPC r/w Section 4 of TNPPDL Act, in Cr.No.335 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 14.10.2021 at about 20.00 hours, the petitioner along with other accused has damaged the tube light of the defacto complainant's sound service shop and also burnt the clothes in the house of one Robin. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this 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 in CrI.O.P.No.23946 of 2021, dated 10.12.2021 and the investigation is almost completed.

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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, Alandur** 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:

(i) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the Crime No.335 of 2021, before the concerned Magistrate within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.10,000/- on proper identification acknowledgment;

(b)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;

(c)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.

-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.

(*) AMENDED AS PER ORDER OF THIS COURT DATED 28/02/2022 MADE IN CRL.MP.NO.1735 OF 2022

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, ALANDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE,
ADAMBAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.N.ARUNKUMAR Advocate on payment of necessary charges Sr.3053

CRL OP.1015/2022

Date :20/01/2022

RVR 24/01/2022

RVR 08/03/2022