



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

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

Cr1.O.P.No.1305 of 2022

T.Vimal

...Petitioner

Vs.

State rep. by
The Inspector of Police,
M-8, Sathankadu Police Station,
Thiruvallur District
(Crime No. 793 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C. praying to grant the anticipatory bail in the event of his arrest in Crime No.793 of 2021 on the file of the respondent the Inspector of Police M-8 Sathankadu Police Station, Tiruvallur District.

For Petitioner : M/s.T.Santhosh

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

O R D E R

(The case has been heard through video conference)

The petitioner apprehends arrest at the hands of the respondent police for the offences under Sections 147, 148, 152, 294(b), 324, 353, 506(ii) of IPC r/w 3 of TNPPDL Act 1992 in Crime No.793 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.12.2021, a young man committed suicide by hanging. Hence, the defacto complainant who is a police officer went to the spot to send the body to the hospital for postmortem during which, the petitioner along with others threatened and attacked the defacto complainant with wood stick and stones not letting the deceased body to be taken to the hospital and also damaged an Ambulance. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him. Hence, he would pray for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent would raise objection but admits that the co-accused has been released on bail by this Court and the investigation is almost completed and there is no previous case against the petitioner.

WEB COPY

5. Considering the fact that there is no previous case against the petitioner and the investigation is almost completed and the co-accused has been granted bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 lock down or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Tiruvottiyur, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner is directed to report before the respondent police on every Wednesday at 10.30 a.m. until further orders.

[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 anticipatory 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];



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-

24/01/2022

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,
THIRUVATTIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
M-8 SATHANKADU POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. T.SANTHOSH Advocate on payment of necessary charges
SR.1165

CRL OP.1305/2022

Date :24/01/2022

RVR 27/01/2022