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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

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

Cr1.O.P.No.2459 of 2022

K.Thamizharasan

...Petitioner

Vs.

The State Represented by
**(*)The Inspector of Police,
Government Railway Police Station,
Thiruvallur District.**
(Crime No.129 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.129 of 2021, on the file of the respondent Police.

For Petitioner : Mr.K.Elumalai

For Respondent : Mr.N.S.Sugunthan
Government Advocate (crl.side)
(DATED 03/02/2022)

: M/S.L.BASKARAN,
Government Advocate (Crl.Side)
(DATED 10/03/2022)

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 174 of Cr.P.C, Sections 294(b), 323, 306 of IPC @ 294 (b), 323, 306, 147, 148, 506(ii) of IPC, in Cr.No.129 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 28.12.2021 at about 06.30 p.m., the petitioner along with other accused teased the deceased and abused him with filthy language and also tried to attack him with beer bottle. Due to their inducement, deceased had committed suicide. Hence, the complaint.



3. The learned counsel appearing for the petitioner submits that the petitioner 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 investigation is almost completed.

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

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on their 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.I, Thiruvallur, on condition that the petitioners 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 on every Saturday 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.

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-sd/-
03/02/2022

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 10.03.2022 made in Crl.MP.NO.2663/2022 in Crl.O.P.No. 2459/2022

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

**(*)3 The Inspector of Police,
Government Railway Police Station,
Thiruvallur District.**

4 THE INSPECTOR OF POLICE,
RPF-THIRUVALLUR POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. K.ELUMALAI Advocate on payment of necessary charges SR.NO.3700

CRL OP.2459/2022

Date :03/02/2022

RW 10/02/2022

RW 16/03/2022