



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM:

WEB COPY

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

CrI.O.P.No.1771 of 2022

Naveen

.. Petitioner

Vs.

The State Rep.by its
The Inspector of Police
K-9, Thiru.Vi.Ka.Nagar Police Station,
Chennai District.
Crime No.82 of 2022

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of arrest pending investigation in Crime No.82 of 2022 on the file of the The Inspector of Police, K-9, Thiru.Vi.Ka.Nagar Police Station, Chennai District .

For Petitioner : Mr.J.Sathiyaraj

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 341, 294(b), 324 and 506(ii) of IPC in Crime No.82 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are friends and on 14.01.2022, the petitioner and the defacto complainant met in their village, at that time, some wordy quarrel arose due to which, the petitioner abused the defacto complainant in filthy language, assaulted him with deadly weapons, threatened him with dire consequences, thereby, the defacto complainant had sustained injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not been committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, he submits that the petitioner without prejudice to his rights, on his own volition, is ready to deposit a sum Rs.10,000/- to the credit of Crime No.82 of 2022. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that the injured had sustained grievous injuries.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and also the fact that the petitioner on his own volition without prejudice to his rights,, is ready to deposit a sum of Rs.10,000/- to the credit of Crime No.82 of 2022, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered 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 V Metropolitan Magistrate Court, Egmore, 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 condition that:

[a] the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.82 of 2022 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 and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.10,000/- on proper identification and 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 on Tuesday at 10.30a.m for a period of four weeks and thereafter as and when required for an interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;



[f] 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-
27/01/2022

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.V,
EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
K-9, THIRU.VI.KA NAGAR POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to J.SATHIARAJ Advocate on payment of necessary charges
SR.NO.1436

CRL OP.1771/2022

Date :27/01/2022

MK:03/02/2022