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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

Crl.O.P.No.2487 of 2022

Desam

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
G-5 Chunambedu Police Station,
Chengalpet District.
(Crime No.313 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.313 of 2021, on the file of the respondent Police.

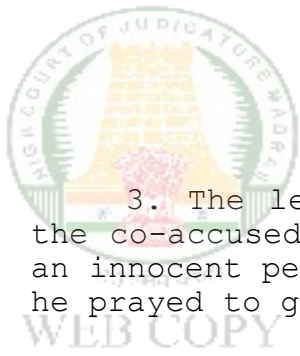
For Petitioner : Mr.R.Lakshmikanth

For Respondent : Mr.N.S.Sugunthan
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 302 @ 302, 109, 147, 148, 120(b) of IPC, in Cr.No.313 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the deceased is the husband of the defacto complainant. It is alleged that the deceased was a ganja peddler and a notorious rowdy, for which, the father of the petitioner used to send petition to the police about the illegal acts of the deceased. It is further alleged that the deceased had murdered the father of the petitioner and thereby the deceased was arrested and subsequently he was released on bail on 03.09.2021 and in retaliation, the petitioner along with other accused persons attacked the deceased, due to which he sustained multiple injuries and thereby the deceased lost his life. Hence, the complaint.



3. The learned counsel appearing for the petitioner submits that the co-accused was arrested and released on bail and the petitioner is an innocent person and 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 earlier applications were dismissed by this Court in Crl.O.P.No.21143 and 23815 of 2021 and the investigation is at earlier stage.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and the co-accused has already been released, 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 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 XVI Metropolitan Magistrate, George Town, Chennai, 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 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/-

03/02/2022

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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 XVI METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
G-5, CHUNAMBEDU POLICE STATION,
CHENGALPET DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S.R.LAKSHMIKANTH Advocate on payment of necessary charges

CRL OP.2487/2022

Date :03/02/2022

INBA~14/02/2022