



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.10785 of 2022

DAVID @ DAVIDSON MARK

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
T6, AVADI POLICE STATION,
CHENNAI DISTRICT.
CRIME NO.143 OF 2022.

[RESPONDENT]

For Petitioner : M/S. S.SASIKUMAR Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 506(i) of IPC in Crime No.143 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, the petitioner, in an inebriated condition went to the de-facto complainant's shop and purchased a water bottle without paying money to him. When the same was questioned by the de-facto complainant, the petitioner abused him in filthy language and criminally intimidated him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that this the second anticipatory bail petition filed by the petitioner and earlier, this Court had granted anticipatory bail to the petitioner in CrI.O.P No.5249 of 2022 on 07.03.2022 and the same was not complied by the petitioner due to his ill health. Therefore, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that this is the second anticipatory bail petition and earlier, this Court has granted anticipatory bail to the petitioner, but he has not complied the same. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to pay a sum of Rs.2,500/- (Rupees two thousand five hundred only) as cost to the Tamil Nadu State Legal Services Authority, Chennai and on such payment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Poonamallee, 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 shall pay a sum of Rs.2,500/- (Rupees Two thousand five hundred only) to the Tamil Nadu State Legal Services Authority, Chennai.

[c] the petitioner shall report before the respondent police daily at 10.30 for a period of four weeks and thereafter, as and when required for 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 have 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].



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

WEB COPY

-sd/-

18/05/2022

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,
NO.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T6, AVADI POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SECRETARY,
TAMIL NADU STATE LEGAL SERVICES AUTHORITY,
CHENNAI.

+1 CC to M/S. S.SASIKUMAR Advocate on payment of necessary charges SR.NO. 7173

CRL OP.10785/2022

Date :18/05/2022

RW-25/05/2022