



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.11126 of 2022

BLACKY ALIAS VIJI

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
T7. TANK FACTORY POLICE STATION,
AVADI, AMBATTUR DISTRICT.
CRIME NO.259 OF 2022.

[RESPONDENT]

For Petitioner : M/S.L.PRABHAKARAN Advocate

For Respondent : MR.S.SUGENDRAN, 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 alleged offences under Sections 294(b) & 506(ii) of IPC and Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.259 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein along with three others, under the influence of alcohol alleged to have abused the defacto complainant in filthy language while he was talking over phone in front of his house and caused damage to the defacto complainant's vehicle.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and the co-accused were granted anticipatory bail by the lower court. Hence, he pleads for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police submitted that no one has sustained any injury in the alleged occurrence.

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5. Considering the facts and circumstances of the case and also taking note of the fact that no one has sustained any injury, the custodial interrogation of the petitioners is not necessary in this case and hence, 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 days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate, Ambattur on condition that the petitioner shall execute own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) 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 shall affix their photograph and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(b) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the respondent Police as and when required for interrogation;

(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/-
12/05/2022

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,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
T7. TANK FACTORY POLICE STATION,
AVADI, AMBATTUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.L.PRABHAKARAN Advocate on payment of necessary charges SR.NO.7090

CRL OP.11126/2022

Date :12/05/2022

JPA 17/05/2022