



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

WEB COPY

CORAM:

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

CrI.O.P.No.24815 of 2021

S.Zahir Hussain

...Petitioner

Vs.

State Represented by
The Inspector of Police,
Thousand Lights Police Station,
Chennai.
(Crime No.382 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 pending investigation in crime No.382 of 2021, on the file of the respondent Police.

For Petitioner : Mr.S.Doraisamy

for M/s.L.Srileka

For Respondent : Mr.N.S.Suganthan,

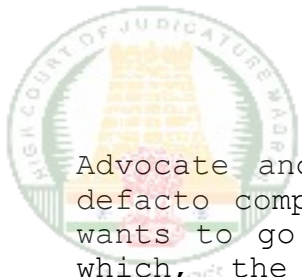
Government Advocate (CrI.Side)

For Intervenor : Mr.N.Ramesh

ORDER

The petitioner, who apprehends arrest for the alleged offence under Section 294(b), 332, 353 and 506(ii) of IPC in Cr.No.382 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that that the defacto complainant who is working as Constable/Sepoy at Chennai Zonal Office, Directorate of Enforcement, Ministry of Finance, Department of Revenue, Government of India and when he was on duty on 03.12.2021 one person named Shri Ibrahim, claiming as an Advocate Clerk belong to the Office of one Advocate S.Zakir Hussain came to our Office on the pretext of submitting some documents on behalf of his client. When asked, he was not able to name any of the Officer to whom he wants to meet. Since his behavior appeared to be suspicious, the defacto complainant requested to produce his identity card which he failed to produce. Instead he claimed that he is Staff of the said



Advocate and he will not respond to the level of Constable, the defacto complainant asked to hand over his mobile phone etc., if he wants to go inside and that too after proper identification, due to which, the the said person started arguing, shouting, causing annoyance and abusing him with vulgar words and others, thereby, disturbing the peaceful functioning of the Government Office and the petitioner viz., S.Zahir Hussain herein also threatened him with dire consequences Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Counsel for the Intervenor submits that the petitioner along with other accused disturbing the peaceful functioning of the Government Office and prevented the constable to do his official duty. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl side) on instructions submits that A1 involved in this case was arrested and enlarged on bail Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and also the submissions made by both counsel, 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 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 **Metropolitan Magistrate No.XXII, Egmore**, 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 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 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/-
06/01/2022

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.XXII, EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THOUSAND LIGHTS POLICE STATION,
CHENNAI.

CC to M/S.L.SRILEKA Advocate on payment of necessary charges

CRL OP.24815/2021

Date :06/01/2022

TA-20/01/2022