

IN THE COURT OF SESSIONS AT CHENNAI

Present: Thiru R. Selvakumar, B.A., M.L.,

Principal Sessions Judge

Friday, the 25th day of June 2021

CrI.M.P.No.10765/2021

in

R.5, Virugambakkam P.S. Cr.No.627/2021

Jahir Hussain

.. Petitioner/Accused.

Vs.

State Rep. by
The Inspector of Police,
R.5, Virugambakkam Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. T. Saraganan, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

ORDER

1. The petitioner, who was arrested on 11.6.2021 for the offence punishable under Section 328 IPC and Sec.6(a) of Cigarette and Other Tobacco Products Act 2003 in Cr.No.627/2021 on the file of the respondent police, seeks bail.
2. Learned counsel for the petitioner and learned CPP were heard through Video Conference.
3. Learned counsel for the petitioner submits that the petitioner is innocent. He is only a worker. He is noway connected with the alleged offence. He is in custody from 11.6.2021 and hence prays for granting bail.
4. On the other hand, learned CPP submits that the petitioner was found in possession banned tobacco products. The petitioner was arrested and from him 39 Kg of tobacco products and cash Rs.6,800/- were seized. He seriously objects granting bail.
5. The petitioner has been in custody for the past 15 days. According to learned CPP, this petitioner has no previous case. As far as this case is concerned, property has been recovered and no one was hospitalized due to the consumption of contraband. Considering the above facts and duration of custody, this court is inclined to grant bail to the petitioner subject to condition.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a likesum to the satisfaction of the learned XXIII Metropolitan Magistrate, Chennai and on further condition that

(a) 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 appear before the Investigating Officer as and when required.

(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 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]**.

(f) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today.

Sd./- R. Selvakumar
Principal Sessions Judge

Copy to :

1. The learned XXIII Metropolitan Magistrate, Chennai.
2. The Superintendent, Sub-Jail, Chengalpattu

nmk

Crl.M.P.No.10765/2021

IN THE COURT OF SESSIONS AT CHENNAI

Present: Thiru R. Selvakumar, B.A., M.L.,

Principal Sessions Judge

Friday, the 25th day of June 2021

CrI.M.P.No.10774/2021

in

D.1, Triplicane P.S. Cr.No.441/2021

Rakesh @ Kallarai Rakesh

.. Petitioner/Accused.

Vs.

State Rep. by
The Inspector of Police,
D.1, Triplicane Police Station,
Chennai.

..Respondent/Complainant.

The above petition is coming on this day before me for hearing, upon hearing M/s. B. Shankar, Mohammed Aasif, V. Venkatesan, C. Jagan, U. Yuvaraj, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

ORDER

1. The petitioner, who was arrested on 11.6.2021 for the offence punishable under Section 341, 294(b), 323, 427, 336, 392, 397, 506(ii) IPC in Cr.No.441/2021 on the file of the respondent police, seeks bail.
2. Learned counsel for the petitioner and learned CPP were heard through Video Conference.
3. Learned counsel for the petitioner submits that the petitioner is innocent. He has been falsely implicated in this case for statistical purpose. He is noway connected with the alleged offence. He is in custody from 11.6.2021 and hence prays for granting bail.
4. On the other hand, learned CPP submits that this petitioner waylaid the defacto complainant and his friend and demanded money, that on their refusal, the accused assaulted them and at knife point robbed cash Rs.350/- and a cellphone from the defacto complainant and cash Rs.100/- from the defacto complainant's friend. He seriously objects granting bail stating that the petitioner is having 2 previous cases.

5. The petitioner is in custody for the past 15 days. According to learned CPP, the petitioner is having two previous cases. However, considering the duration of custody, this court is inclined to grant bail to the petitioner subject to condition.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a likesum to the satisfaction of the learned II Metropolitan Magistrate, Chennai and on further condition that

(a) 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.

(c) the petitioner shall appear before the Investigating Officer as and when required.

(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 above petitioner in accordance with law as if the conditions have been imposed and the above 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today.

Sd./- R. Selvakumar
Principal Sessions Judge

Copy to :

1. The learned II Metropolitan Magistrate, Chennai.
2. The Superintendent, Sub-Jail, Chengalpattu.

nmk

CrI.M.P.No.10774/2021

IN THE COURT OF SESSIONS AT CHENNAI

Present: Thiru R. Selvakumar, B.A., M.L.,

Principal Sessions Judge

Friday, the 25th day of June 2021

Crl.M.P.No.10813/2021

in

K.10, Koyambedu P.S. Crime No.498/2021

Dhanalakshmi

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
K.10, Koyambedu Police Station,
Chennai.

..Respondent/Complainant

This petition is coming on this day before me for hearing, upon hearing M/s. E. Venkatesan, M. Premkumar, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

ORDER

1. The petitioner, who was arrested on 11.6.2021 for the offence punishable under Sections 4(1)(i), 4(1-A) of TNP Act and Sec.294(b), 353, 506(i) IPC in Cr.No.498/2021 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner and learned CPP were heard through Video Conference.

3. Learned counsel for the petitioner submits that the petitioner is innocent. She is noway connected with the alleged offence. She has been falsely implicated in this case. The petitioner is in custody from 11.6.2021. Learned counsel for the petitioner further stated that petitioner's husband is in a serious condition and hence prays for granting bail.

4. On the other hand, learned CPP submits that during lock down period this petitioner was indulged in the sale of illicit liquor. When the police tried to apprehend her, she abused the police officials and prevented them from performing their duties. The petitioner was arrested and from her Bangalore Whisky 24 pockets(each 180 ml) were recovered. He seriously objects granting bail.

5. The petitioner has been in custody for the past 15 days. Property has been recovered and no one was hospitalized due to the consumption of contraband. No bad antecedent was reported against the petitioner. Considering the above facts and duration of custody, this court is inclined to grant bail to the petitioner subject to condition.

6. Accordingly, the petitioner is ordered to be released on bail on her executing a own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned Prison, in which the petitioner has been confined, on her release,

(a) the petitioner shall appear before the Investigating Officer as and when required.

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

(c) the petitioner shall not abscond either during investigation or trial.

(d) 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]**.

(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today.

Sd./- R. Selvakumar
Principal Sessions Judge

Copy to :

1. The learned V Metropolitan Magistrate, Chennai.
2. The Superintendent, Central Prison, Puzhal, Chennai

nmk

Crl.M.P.No.10813/2021

IN THE COURT OF SESSIONS AT CHENNAI

Present: Thiru R. Selvakumar, B.A., M.L.,

Principal Sessions Judge

Friday, the 25th day of June 2021

CrI.M.P.No.10816/2021

in

V.6, Kolathur P.S. Cr.No.388/2021

K. Venkatesh

.. Petitioner/Accused.

Vs.

State Rep. by
The Inspector of Police,
V.6, Kolathur Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. B. Kalaiarasan, D. Percivul Pericles, S.M. Raghuram, R. Surendar Kumar, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

ORDER

1. The petitioner, who was arrested on 12.6.2021 for the offence punishable under Section 4(1)(a), 4(1)(i), 4(1-A) of TNP Act in Cr.No.388/2021 on the file of the respondent police, seeks bail.
2. Learned counsel for the petitioner and learned CPP were heard through Video Conference.
3. Learned counsel for the petitioner submits that the petitioner is innocent. He is noway connected with the alleged offence. He is in custody from 12.6.2021 and hence prays for granting bail.
4. On the other hand, learned CPP submits that the petitioner was found in possession of 25 Whisky bottles(each 180 ml) without valid licence.
5. The petitioner has been in custody for the past 14 days. Property has been recovered and no one was hospitalized due to the consumption of contraband. No bad antecedent was reported against the petitioner. Considering the above facts and duration of custody, this court is inclined to grant bail to the petitioner subject to condition.
6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a

likesum to the satisfaction of the learned XIII Metropolitan Magistrate, Chennai and on further condition that

(a) 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 appear before the Investigating Officer as and when required.

(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 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]**.

(f) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today.

Sd./- R. Selvakumar
Principal Sessions Judge

Copy to :

1. The learned XIII Metropolitan Magistrate, Chennai.
2. The Superintendent, Sub-Jail, Saidapet.

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CrI.M.P.No.10816/2021

IN THE COURT OF SESSIONS AT CHENNAI

Present: Thiru R. Selvakumar, B.A., M.L.,

Principal Sessions Judge

Friday, the 25th day of June 2021

CrI.M.P.Nos.10869 and 10966 of 2021

in

V.4, Rajamangalam P.S. Cr.No.535/2021

Abi @ Abinash

.. Petitioner/Accused in
CrI.M.P.No.10869/2021

Vicky @ Vignesh

.. Petitioner/Accused in
CrI.M.P.No.10966/2021

Vs.

State Rep. by
The Inspector of Police,
V.4, Rajamangalam Police Station,
Chennai.

..Respondent/Complainant in
both the petitions.

Both the petitions are coming on this day before me for hearing, upon hearing M/s. P. Krishna Moorthy, G. Prakash, K. Rohini and S Gopi, Counsel for the petitioners and of CPP for respondent, this Court delivered the following :

COMMON ORDER

1. The petitioners, who were arrested on 12.6.2021 for the offence punishable under Section 341, 294(b), 323, 336, 427, 397, 506(ii) IPC in Cr.No.535/2021 on the file of the respondent police, seeks bail.
2. Learned counsel for the petitioners and learned CPP were heard through Video Conference.
3. Learned counsel for the petitioners submits that the petitioners are innocent. They been falsely implicated in this case for statistical purpose. They are noway connected with the alleged offence. They are in custody from 12.6.2021 and hence prays for granting bail.
4. On the other hand, learned CPP submits that these petitioners waylaid the defacto complainant and demanded money, that on his refusal, the accused assaulted him and at knife point robbed cash Rs.1,500/-. He seriously objects granting bail stating that 'Abi' is having 6 previous cases and Vicky has no previous case.
5. The petitioners are in custody for the past 14 days. According to learned CPP, Abi is having 6 previous cases. Considering the bad antecedents, this court is not inclined

to grant bail to Abi(petitioner in CrI.M.P.No.10869/21). As far as Vicky(petitioner in CrI.M.P.No.10966/21) is concerned, considering the fact that no bad antecedent was reported against him and also duration of custody, this court is inclined to grant bail to him(Vicky/petitioner in CrI.M.P.No.10966/21) subject to condition.

6. Accordingly, the petitioner in CrI.M.P.No.10966/21 is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a likesum to the satisfaction of the learned XIII Metropolitan Magistrate, Chennai and on further condition that

(a) 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 above said petitioner shall appear before the Investigating Officer as and when required.

(c) the above said petitioner shall not tamper with evidence or witness either during investigation or trial.

(d) the above said 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 above petitioner in accordance with law as if the conditions have been imposed and the above 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]**.

(f) If the above said petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. As far as petitioner in CrI.M.P.No.10869/21(Abi) is concerned, petition is dismissed.

Delivered by me today.

Sd./- R. Selvakumar
Principal Sessions Judge

Copy to :

1. The learned XIII Metropolitan Magistrate, Chennai.
2. The Superintendent, Sub-Jail, Saidapet.

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CrI.M.P.No.10966/2021 – Bail granted.

CrI.M.P.No.10869/2021 – Petition dismissed.

IN THE COURT OF SESSIONS AT CHENNAI

Present: Thiru R. Selvakumar, B.A., M.L.,

Principal Sessions Judge

Friday, the 25th day of June 2021

Crl.M.P.No.10758/2021

And

Crl.M.P.No.10925/2021

(intervene petition)

in

N.3, Muthialpet P.S., Crime No.20/2021

Abdul Rahman @ Rahman

.. Petitioner/Accused.

Vs.

State Rep. by
The Inspector of Police,
N.3, Muthialpet Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. N. Mahendra Babu, A. Prakash, Counsel for the petitioner and of CPP for the respondent and of M/s. B. Vijay, S. Mohamed Uduman, B. Thulasi, Ar. Balaji, Counsel for the intervener, this Court delivered the following :

ORDER

1. The petitioner, apprehending arrest at the hands of the respondent police, for the alleged offences u/s. 147, 448, 294(b), 506(ii) IPC in Cr.No.20/2021 on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner and learned CPP and learned counsel for the intervener were heard through Video Conference.

3. Learned counsel for the petitioner submits that the petitioner is the cousin of one Azizul Karim, who was in possession of the disputed property. He has been arrested by the police on an exaggerated false complaint given by the present defacto complainant's father in Cr.No.68/2020 on the file of CCB-I and subsequently, in connection with the said case, he has been detained under Act 14 of 1982. Taking advantage of the fact that he has been detained under Goondas Act, the present defacto complainant's family tried to take

possession of the property, which was already in possession of Azizul Karim as a tenant. The dispute is civil in nature. This petitioner went to the suit property in order to save the rights of his uncle Azizul Karim. An exaggerated complaint has been given against this petitioner. He apprehends arrest and hence prays for granting anticipatory bail.

4. On the other hand, learned CPP strongly objects granting anticipatory bail stating that there is CCTV footage available to connect the accused with the crime. Further, the case itself was registered as per the directions of the learned XVI Metropolitan Magistrate, George Town, Chennai etc.,

5. The defacto complainant entered appearance by filing intervening petition. Learned counsel appearing for the intervener submits that the said Azizul Karim is a fraudster. He had created so many false documents. In fact, he had been inducted as tenant into the disputed property in the year 2012. He had created a Sale Agreement by forging the signature of real owners. In fact some of them were not alive on the date of said agreement. Based on the said forged documents, without proper service of notice, he also obtained interim orders from the City Civil Court, Chennai as well as from the Hon'ble High Court. He is a land grabber. He had committed similar offences also and in all such circumstances, in pursuance of the complaint given by the defacto complainant's father case was registered in Cr.No.68/2020 on the file of CCB-I, Chennai. During the course of investigation, the fraud committed by the said Azizul Karim came to light. He had played fraud upon the Court also. Considering all these circumstances, he had been detained under Act 14 of 1982. That being so, the property was under the lock and key. The present petitioner with the aid of rowdy elements broke open the door with Hydraulic Cutting Machine. The entire act was recorded by the defacto complainant in his mobile phone. The same was forwarded to the Commissioner of Police, Chennai and complaint was lodged. Since the police had not taken any steps, the defacto complainant filed a petition in CrI.M.P.No.41/2020 before the XVI Metropolitan Magistrate, George Town, Chennai and as per the directions of the learned Magistrate, the present case in Cr.No.20/2021 came to be registered. There is CCTV footage to show the break opening of the door by the petitioner with the aid of Hydraulic Cutting Machine. He had no right

over the property in dispute. He acted highhandedly and thus seriously objects granting anticipatory bail.

6. On perusal of the records, admittedly, Cr.No.68/2020 was registered against Azizul Karim in connection with creation of forged documents and obtaining orders fraudulently from the Civil Courts etc., in which he has moved Hon'ble High Court for anticipatory bail and the same was dismissed. Thereafter, he had been arrested and the bail application moved by him in CrI.M.P.No.8958/2020 was also dismissed by this court on 16.9.2020. Subsequently, he was detained under Act 14 of 1982 vide order dated 21.9.2020. The present occurrence took place on 22.11.2020, while Azizul Karim was in detention. It appears that there was an order of the City Civil Court, Chennai to maintain Status-quo. Under such circumstances, the petitioner took law into his own hands and with the aid of rowdy elements, he had tried to take possession of the property. There is ample records to connect the petitioner with the crime. Even in the FIR, the production of video recording has been referred and the same was also sent to the Commissioner of Police through Whatsapp. Under such circumstances, considering the nature of dispute and the role played by the petitioner in the crime and the availability of the CCTV footage, this court is not inclined to grant anticipatory bail to the petitioner.

7. Hence, the petition is dismissed.

Delivered by me today.

Sd./- R. Selvakumar
Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

Present: Thiru R. Selvakumar, B.A., M.L.,

Principal Sessions Judge

Friday, the 25th day of June 2021

Crl.M.P.No.10965/2021

in

P.6, Kodungaiyur P.S. Cr.No.724/2021

Sathish @ Sanda Koli Sathish

.. Petitioner/Accused.

Vs.

State Rep. by
The Inspector of Police,
P.6, Kodungaiyur Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. K. Sujan Kumar, S.K. Masthan, T. Ramesh Kumar, G. Siva Kumar, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

ORDER

1. The petitioner, who was arrested on 4.6.2021 for the offence punishable under Section 341, 294(b), 392, 397, 506(ii) IPC in Crime No.724/2021 on the file of the respondent police, seeks bail.

2. The counsel for the petitioner and the CPP were heard through Video Conference.

3. Learned counsel for the petitioner submits that this petitioner is innocent. He is noway connected with the alleged offence. He has been falsely implicated in this case. The petitioner is in custody from 4.6.2021 and prays for granting bail.

4. On the other hand, learned CPP submits that the defacto complainant is a vegetable vendor selling vegetables in a pushcart. This petitioner waylaid the defacto complainant and demanded money, that on his refusal, the accused threatened him and robbed Rs.750/- from him. He seriously objects granting bail stating that the petitioner is a history sheeter having 12 previous cases.

5. Considering the nature of offence and bad antecedents, this court is not inclined to grant bail to the petitioner at present.

6. Hence, the petition is dismissed.

Delivered by me today.

Sd./- R. Selvakumar
Principal Sessions Judge

nmk

IN THE COURT OF SESSIONS AT CHENNAI

Present: Thiru R. Selvakumar, B.A., M.L.,

Principal Sessions Judge

Friday, the 25th day of June 2021

Crl.M.P.No.10967/2021

in

N.2, Kasimedu P.S. Cr.No.551/2021

Desappan @ Nandu Kumar

.. Petitioner/Accused.

Vs.

State Rep. by
The Inspector of Police,
N.2, Kasimedu Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. R. Karthik, N. Lavanya, K. Hariharan, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

ORDER

1. The petitioner, who was arrested on 10.6.2021 for the offence punishable under Section 341, 294(b), 323, 336, 392, 397, 506(ii) IPC in Crime No.551/2021 on the file of the respondent police, seeks bail.

2. The counsel for the petitioner and the CPP were heard through Video Conference.

3. Learned counsel for the petitioner submits that this petitioner is innocent. He is noway connected with the alleged offence. He has been falsely implicated in this case. Co-accused was granted bail by this court in Crl.M.P.No.10913/2021 on 23.6.2021. The petitioner is in custody from 10.6.2021 and prays for granting bail.

4. On the other hand, the learned CPP submits that the petitioner along with other accused robbed Rs.1,000/ from the defacto complainant at knife point. He seriously objects granting bail stating that the petitioner is a history sheeter having 23 previous cases and he cannot claim parity with that of the co-accused.

5. Learned counsel for the petitioner submits that all the other accused were granted bail by this court. However, this petitioner is a history sheet rowdy, having 23 previous cases. Learned CPP seriously objects granting bail alleging so. Considering the bad antecedents, this court is not inclined to grant bail to the petitioner at present.

6. Hence, the petition is dismissed.

Delivered by me today.

Sd./- R. Selvakumar
Principal Sessions Judge

nmk

IN THE COURT OF SESSIONS AT CHENNAI

Present: Thiru R. Selvakumar, B.A., M.L.,

Principal Sessions Judge

Friday, the 25th day of June 2021

CrI.M.P.No.10969/2021

in

V.6, Kolathur P.S. Crime No.809/2020

Krishnakanth @ Kisan

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
V.6, Kolathur Police Station,
Chennai.

.. Respondent/Complainant

This petition is coming on this day before me for hearing, upon hearing M/s. K.S. Raju, A. Saranraj, K. Sundarraj, Counsel for the petitioner and of CPP for respondent, this Court delivered the following:

ORDER

1. The petitioner, who was arrested on 20.9.2020 for the offences punishable under Section 294(b), 341, 323, 307 IPC in Crime No.809/2020 on the file of the respondent police, seeks bail.
2. The petitioner's counsel and the CPP were heard through Video Conference.
3. Learned counsel for the petitioner submits that petitioner is innocent. He is noway connected with the alleged offence. He has been falsely implicated in this case. The petitioner was arrested on 20.9.2020 and subsequently, he was detained under Act 14 of 1982. Now the detention order as against the petitioner has been set aside by the Hon'ble High Court in HCP.No.67/2021 dated 21.6.2021. Further, in this case Charge sheet has been in PRC.No.3/2021. The petitioner has been in custody for more than 9 months and hence prays for granting bail.
4. According to learned CPP, the case has been committed to Court of Sessions and the same is pending in S.C.No.210/2021 on the file of XVI Additional Sessions Court, Chennai and the prosecution is taking steps for speedy disposal. However, the petitioner has been in custody for more than 9 months. Further, the detention order as against the

petitioner has been set aside by the Hon'ble High Court. Considering the above fact and duration of custody, this court is inclined to grant bail to the petitioner subject to condition.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a likesum to the satisfaction of the learned XVI Additional Sessions Court, Chennai and on further condition that

(a) 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) After regular functioning of the Courts, the petitioner shall appear before the said Court on all hearing dates without fail.

(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 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]**.

(f) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today.

Sd./- R. Selvakumar
Principal Sessions Judge

Copy to :

1. The learned XVI Additional Sessions Judge, Chennai.
2. The Superintendent, Central Prison, Puzhal, Chennai.

nmk

Crl.M.P.No.10969/2021

IN THE COURT OF SESSIONS AT CHENNAI

Present: Thiru R. Selvakumar, B.A., M.L.,

Principal Sessions Judge

Friday, the 25th day of June 2021

CrI.M.P.No.10973/2021

in

K.10, Koyambedu P.S. Cr.No.148/2021

Mohan @ Sam

.. Petitioner/Accused.

Vs.

State Rep. by
The Inspector of Police,
K.10, Koyambedu Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. M. Rajavelu, S. Sarala, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

ORDER

1. The petitioner, who was arrested on 10.5.2021 for the offence punishable under Section 457 and 380 IPC in Crime No.148/2021 on the file of the respondent police, seeks bail.
2. The counsel for the petitioner and the CPP were heard through Video Conference.
3. Learned counsel for the petitioner submits that the petitioner is innocent. He is working as Coolie in Koyambedu Market. He has not committed any offence as alleged by the prosecution. False case has been foisted on him only for statistical purpose. No recovery was made from this petitioner. The petitioner is in custody for more than one month and prays for granting bail.
4. On the other hand, learned CPP submits that when the defacto complainant was out of station, this petitioner break open the defacto complainant's house and stolen away 3 $\frac{3}{4}$ sovereigns of gold ornaments, 50 gms silver anklet and cash Rs.7500/- from the bureau. According to CPP, this petitioner is a habitual offender in house breaking and he is having previous cases of similar nature and from this accused 3 rings(each $\frac{1}{4}$ sovereign) and 50 gms silver anklet was recovered. Hence, objects the grant of bail. He also produced Case Diary for perusal.

5. The petitioner has been in custody for the past 47 days. On perusal of the case records, the confession statement reveals that the petitioner is having only one previous case. Considering the same and duration of custody, this court is inclined to grant bail to the petitioner subject to condition.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a likesum to the satisfaction of the learned V Metropolitan Magistrate, Chennai and on further condition that

(a) 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 appear before the respondent police daily at 10.30 a.m. until further orders.

(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 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]**.

(f) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today.

Sd./- R. Selvakumar
Principal Sessions Judge

Copy to :

1. The learned V Metropolitan Magistrate, Chennai.
2. The Superintendent, Central Prison, Puzhal, Chennai.

nmk

CrI.M.P.No.10973/2021

IN THE COURT OF SESSIONS AT CHENNAI

Present: Thiru R. Selvakumar, B.A., M.L.,

Principal Sessions Judge

Friday, the 25th day of June 2021

Crl.M.P.No.10881/2021

in

D.2, Anna Salai P.S. Cr.No.593/2021

Karthick

.. Petitioner/Accused.

Vs.

State Rep. by
The Inspector of Police,
D.2, Anna Salai Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. U. Yuvaraj, D. Gopi Krishnan, A. Vinoth Kumar, P. Praveen Kumar, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

ORDER

1. The petitioner, who was arrested on 16.6.2021 for the offence punishable under Section 341, 294(b), 324, 307, 506(ii) IPC in Crime No.593/2021 on the file of the respondent police, seeks bail.
2. The counsel for the petitioner and the CPP were heard through Video Conference.
3. Learned counsel for the petitioner submits that the victim is petitioner's friend. There was a wordy quarrel. An exaggerated complaint has been given. The petitioner is in custody from 16.6.2021 and hence, prays for granting bail.
4. On the other hand, the learned CPP objects granting bail stating that it is a case of 307 IPC.
5. On perusal of the case records, it appears that the petitioner and the defacto complainant are friends. However, there was a collision as alleged in the complaint, which resulted in injuries. The AR copy would go to show the cut injury on the back side

of the neck and another injury on the hand. The injuries, prima facie points at the use of deadly weapon. The accused is in custody only for the past 10 days. He is having bad antecedents of robbery and other petty offences. Considering all these circumstances, this court is not inclined to grant bail to the petitioner at present.

6. Hence, the petition is dismissed.

Delivered by me today.

Sd./- R. Selvakumar
Principal Sessions Judge

nmk

IN THE COURT OF SESSIONS AT CHENNAI

Present: Thiru R. Selvakumar, B.A., M.L.,

Principal Sessions Judge

Friday, the 25th day of June 2021

CrI.M.P.No.10972/2021

in

B.2, Esplanade P.S. Cr.No.380/2021

Divakar @ Ajay

.. Petitioner/Accused.

Vs.

State Rep. by
The Inspector of Police,
B.2, Esplanade Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. V. Karthick, S. Raj, A.G. Abdul Kareem, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

ORDER

1. The petitioner, who was arrested on 16.6.2021 for the offence punishable under Section 392 in Cr.No.380/2021 on the file of the respondent police, seeks bail.
2. Learned counsel for the petitioner and learned CPP were heard through Video Conference.
3. Learned counsel for the petitioner submits that it is a motor-cycle accident between two wheelers driven by the defacto complainant and the petitioner. The defacto complainant dashed against the motor-cycle of the petitioner, which resulted in damage of his motor-cycle and a small injury, for which, the petitioner had demanded money. An exaggerated complaint of robbery has been given and hence prays for granting bail.
4. On perusal of the complaint, it appears that a 15 year old boy, the defacto complainant was driving the two wheeler. There was a collision between the two wheelers of the defacto complainant and the present petitioner and in consequence, damage caused. The petitioner snatched Rs.12,000/- and a silver bracelet from the defacto complainant as per the complaint. During the course of investigation, the bracelet alone was recovered from the petitioner. The investigation is silent about the so-called Rs.12,000/- snatched from the defacto complainant. Apart from that, there was an injury on the leg of the petitioner. For which, an explanation has been given as if he dashed against some other motor-cyle in

the confession. There are chances of exaggeration by the defacto complainant who drove the two wheeler without valid license. The recovery of bracelet alone probalilise the version of the petitioner not having any bad antecedent as revealed from the confession statement. Considering the chances of exaggeration and age of the petitioner and duration of custody, this court is inclined to grant bail to the petitioner subject to condition.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a likesum to the satisfaction of the learned VII Metropolitan Magistrate, Chennai and on further condition that

(a) 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 appear before the Investigating Officer as and when required.

(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 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]**.

(f) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today.

Sd./- R. Selvakumar
Principal Sessions Judge

Copy to :

1. The learned VII Metropolitan Magistrate, Chennai.
2. The Superintendent, Central Prison, Puzhal, Chennai.

nmk

Crl.M.P.No.10972/2021

IN THE COURT OF SESSIONS AT CHENNAI
Present: Thiru R. Selvakumar, B.A., M.L.,
Principal Sessions Judge

Friday, the 25th day of June , 2021

Crl.M.P.No. 10888/2021

and

Crl.M.P.No. 10953 /2021
(intervene petition)

in

W-19 All Women P.S. Adyar, Crime No. 05/2021

Dr. M. Manikandan

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
W-19 All Women Police Station, Adyar,
Chennai.

..Respondent/Complainant

This petition is coming on 24.6.2021 before me for hearing, upon hearing M/s. R. John Sathyan, S. Gunasekaran, Swami Subramanian, Counsel for the petitioner and Mr. V. Ragavachari for K.Suthan, M/s. KRS Law Firm, Counsel for the intervenor and of CPP for the respondent, this Court delivered the following

ORDER

1. The petitioner, who was arrested on 20.6.2021 for the offence punishable under Section 417, 376, 313, 323, 506(i) of IPC and sec. 67-A of Information Technology Act in Crime No. 05/2021 on the file of the respondent police, seeks bail.
2. The counsel for the petitioner, intervenor and the CPP were heard through Video Conference.
3. Learned counsel for the petitioner submits that a false and exaggerated complaint has been given against the petitioner. He is a Ex-MLA and Ex-Minister. In order to spoil his reputation, the present complaint has been given by the defacto complainant. Even if the allegation levelled against the petitioner in the complaint is taken as genuine, no offence is attracted as registered in the FIR. The alleged sexual intercourse is with consent. The defacto complainant is very well aware of the fact that the petitioner was a married man. So

she consented for sexual intercourse on the false promise of marrying itself is not acceptable. Further, the defacto complainant is aged about 36, a major. The so called physical relationship between the petitioner and the defacto complainant had taken place with full consent of the defacto complainant. The defacto complainant is an actress. She gained friendship with the petitioner through one Bharani. The petitioner was trapped by the defacto complainant by luring him. So, offence u/s.376 IPC is not made out. Similarly, as per the complaint, the defacto complainant had aborted thrice that too is not by force. So offence u/s.313 IPC is also not attracted. The other offences are u/s.323, 506(i) IPC and 67A of Information Technology Act. As far as sec. 323 is concerned, it is bailable offence. There is no ingredients to attract 506(i) IPC. Even for offence u/s.67A of I.T. Act, the specific complaint is that the petitioner had sent a nude photograph of defacto complainant to the defacto complainant. There was no publication or transmitting materials to some other persons. Even if the allegation is taken as true, offence u/s.67A is not attracted. It will be attracted only when the material transmitted contains sexual explicit Act. Admittedly, the photographs alleged to have been sent by the petitioner is nude photograph of the defacto complainant. There is no explicit act involved. At the most, it can attract only sec. 67 of I.T. Act. The petitioner is ready to co-operate with the investigating agency. Since prima facie, no material is available to make out a valid case against the petitioner, prays for bail.

4. He also invites this Court's attention to the decision of Hon'ble SC reported in **2019 AIR SC 327 and 2019 AIR SC 4010** and contended that in those cases, the FIR itself has been quashed in similar circumstances. Here, in the case on hand, there was a sexual relationship with consent on several occasions. As per the complaint, the defacto complainant used to visit the petitioner's official residence on several occasions for that purpose. That itself would go to show that the voluntary participation of the defacto complainant in the consensual sexual relationship.

5. On the other hand, learned CPP submits that with great difficulty, the accused was secured on 20.6.2021 at Bangalore. The Hon'ble High Court had dismissed the anticipatory bail application moved by the petitioner. Investigation is at early stage. The petitioner is an Ex-MLA and Ex-Minister having more money and muscle power. Releasing the petitioner

at present is likely to affect the investigation and he may tamper with the witnesses using his power and seriously objects granting of bail.

6. The counsel appearing for the intervenor submits that though there was consensual sexual relationship, the consent was obtained by giving false promise of marriage. Consent itself is on the mistaken belief of words given by the petitioner. So, the alleged consent was on misconception of facts and thus sexual relationship with the defacto complainant by the petitioner attracts sec. 376 IPC. He relies upon the decision of the **Hon'ble Supreme Court in Anurag Soni Vs. State of Chattisgarh reported in (2019) 13 SCC 1**. The offence u/s.313 IPC is also prima facie made out. Apart from that, he sent a nude photographs of the defacto complainant to the defacto complainant and proclaimed that he will publish similar obscene photographs in the social media and spoil the reputation of the defacto complainant. As such a serious threat was made against the defacto complainant. In fact, the petitioner proclaimed that he will do away her with his muscle power. He is in custody only for the past 4 days. If he is released on bail at present, there is every chance to tamper with the investigation and witnesses and seriously objects granting bail.

7. Though the arguments advanced by the learned counsel for the petitioner with reference to the offence u/s.376 IPC relying upon decisions as stated supra appears to be attractive in this case. The petitioner is not a layman. He was a responsible person held high position in the government then. He was an Ex-MLA and Ex-Minister for Information Technology. He had sexually abused the defacto complainant is almost an admitted fact. Though, he originally proclaimed his innocence about the identity of the defacto complainant, subsequently, during the course of arguments he almost admitted their affinity. The affected woman /defacto complainant says she had given consent only on believing the promise made by the petitioner to marry her after divorcing his first wife. Whether such promise was given, whether there was intention to cheat by the petitioner at the time of giving promise are all the facts to be culled out during trial. Similarly, as regards sec. 313 IPC, in the complaint, it has been stated that as if she had undergone abortion thrice out of pressure given by the petitioner, she subsequently contends that the petitioner kicked her stomach which resulted in abortion. There is chance for exaggeration at the hands of the defacto complainant to attract offence u/s.313 IPC. As far as sec. 506(i) is concerned, no doubt there is a threat to do away with her as per complaint and threat to upload obscene

materials in social media. Sec. 67 A of I.T. Act is concerned, it is applicable to whoever publishes or transmits or causes to be published or transmitted in the electronic form any material which contains sexually explicit act. Whether the photo sent to the defacto complainant through social media contains sexually explicit act or only a nude photo are all the points to be addressed during trial. Apart from that, the petitioner proclaimed as if he will post so many obscene materials in the social media as per the complaint.

8. With regard to the ingredients for making out the offences under which the case was registered elaborate argument was advanced and cited several judgments before the Hon'ble High Court while hearing the anticipatory bail application in CrI.O.P. No. 9824/2021. The decision reported in 2019 AIR SC 327, 2019 AIR SC 4010 were also referred in the order. The learned counsel submits that the Hon'ble High Court wrongly considered those decisions as if they arose out of case in which the trial was completed. But, in fact, those decisions falls u/s.482 of Cr.P.C. The FIRs have been quashed. The Hon'ble High Court on the presumption as those judgments rendered after full trial (AFT) refused to follow the same. Though there was observation as such as alleged by the petitioner's counsel, when the decision is rendered by the Hon'ble High Court, this court has to follow the same to maintain judicial discipline. The Hon'ble High Court discussed the case at length and categorically held that the offence u/s.376 IPC is made out with available materials. Under the said circumstances, this Court is not in a position to differ from the said findings. Apart from that, the case was registered on 29.5.2021. The petitioner was at large for about 20 days. Only after the dismissal of anticipatory bail, with great difficulty, he was secured from Bangalore and he has been arrested and remanded to judicial custody. As stated supra, he is a powerful person having political and money power. In case, if he is released on bail at this earliest point of time, there is every chance to tamper with the investigation. Considering the short duration of custody and the nature of offences involved, this court is not inclined to grant bail to him at present.

9. Hence, in the result this petition is dismissed.

Delivered by me today.

**Sd/- R. Selvakumar,
Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI
Present: Thiru R. Selvakumar, B.A., M.L.,
Principal Sessions Judge

Friday, the 25th day of June 2021

Crl.M.P.No. 10943/2021

in

P-5 MKB Nagar P.S. Crime No. 726/2021

S. Gunasekaran

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
P-5 MKB Nagar Police Station,
Chennai.

..Respondent/Complainant

This petition is coming on this day before me for hearing, upon hearing M/s. K. Bommuraj, S. Kumaresan, Counsel for the petitioner and of CPP for the respondent, this Court delivered the following

ORDER

1. The petitioner, apprehending arrest at the hands of the respondent police, for the alleged offence u/s. 147, 148, 341, 294(b), 323, 324, 307 and 506(ii) IPC in Crime No. 726/2021 on the file of the respondent police, seeks anticipatory bail.
2. The counsel for the petitioner and the CPP were heard through Video Conference.
3. Learned counsel for the petitioner submits that there was clash between two groups, in which, the defacto complainant sustained only simple injury and he was treated as out-patient. There is no specific overtact as against this petitioner. In fact, this petitioner was attacked by the defacto complainant and he sustained severe injuries and admitted to hospital for one week and now only he was discharged. This petitioner also given a complaint in Crime No. 725/2021 and the accused persons were remanded to judicial custody. Due to vengeance, the defacto complainant lodged the present counter case with the respondent police and prays for granting anticipatory bail.
4. On the other hand, the learned CPP submits that in connection with the occurrence, case and counter-case were registered in Cr.Nos.725 and 726/2021. In both sides, there was injury. They have attacked with deadly weapons. Arrested accused are not yet released and objects granting anticipatory bail.

5. On perusal of the C.Ds. in both the cases, it appears two groups attacked each other with deadly weapons and sustained injuries on both sides. Prima facie, the nature of occurrence would go to show the parties are unruly elements. As far as this case is concerned, one Ferozhkhan sustained cut injuries in his right thumb. Considering the nature of injury inflicted and nature of occurrence, this court is not inclined to grant anticipatory bail.

6. Petition is dismissed.

Delivered by me today.

**Sd/- R. Selvakumar,
Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,
Principal Sessions Judge**

Friday, the 25th day of June 2021

Crl.M.P.No. 10944/2021

in

J-3 Guindy P.S. Crime No. 578/2021

Mani @ Manikandan

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
J-3 Guindy Police Station,
Chennai.

..Respondent/Complainant

This petition is coming on this day before me for hearing, upon hearing M/s. N. Velsankar, Counsel for the petitioner and of CPP for the respondent, this Court delivered the following

ORDER

1. The petitioner, apprehending arrest at the hands of the respondent police, for the alleged offence u/s. 269, 270,294(b) and 506(ii) IPC and sec. 4(1)(a) of TNP Act in Crime No. 578/2021 on the file of the respondent police, seeks anticipatory bail.
2. The counsel for the petitioner and the CPP were heard through Video Conference.
3. Learned counsel for the petitioner submits that this petitioner is innocent of the offence. He has not committed any offence as alleged by the prosecution. A1 was arrested on 19.6.2021. Hence, prays for granting anticipatory bail.
4. On the other hand, the learned CPP submits that this petitioner indulged in selling TASMALC liquor beyond the permitted time that too during lock-down period. When it was questioned by the defacto complainant, he was threatened by the petitioner and another person. He further submits that 39 liquor bottles were recovered from the accused.

5. A public was threatened by the accused when he objected to sell the liquor beyond the permitted time that too during lock-down period. 39 brandy bottles were recovered from this petitioner. Prima facie, it appears that the petitioner is a unruly element. Considering the nature of offence and conduct of the petitioner, this court is not inclined to grant anticipatory bail to the petitioner.

6. Petition is dismissed.

Delivered by me today.

**Sd/- R. Selvakumar,
Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,
Principal Sessions Judge**

Friday, the 25th day of June 2021

Crl.M.P.No. 10945/2021

in

P-5 MKB Nagar P.S. Crime No. 750/2021

1. Vijayakanth @ Viji
2. Surya @ Suri

.. Petitioners/Accused

Vs.

State Rep. by
The Inspector of Police,
P-5 MKB Nagar Police Station,
Chennai.

..Respondent/Complainant

This petition is coming on this day before me for hearing, upon hearing M/s. P.N. Veeramani, N. Naresh, D. Kannan, Counsel for the petitioners and of CPP for the respondent, this Court delivered the following

ORDER

1. The petitioners, apprehending arrest at the hands of the respondent police, for the alleged offence u/s. 147, 148, 341, 294(b), 323, 397, 506(ii) IPC in Crime No. 750/2021 on the file of the respondent police, seeks anticipatory bail.

2. The counsel for the petitioners and the CPP were heard through Video Conference.

3. Learned counsel for the petitioners submits that this petitioner is innocent of the offence. He has not committed any offence as alleged by the prosecution. False case has been foisted on him only for statistical purpose. Since this petitioner is the friend of A1, he has been falsely implicated in this case. The petitioner has no bad antecedents and prays for granting anticipatory bail.

4. On the other hand, the learned CPP submits that on 16.6.2021, at about 6.00 p.m. this petitioner along with other accused waylaid the defacto complainant and robbed Rs.1800/- from him at knife point. He further submits that co-accused was arrested on 17.6.2021 and still he is in judicial custody. Hence, he objects the grant of anticipatory bail.

5. It is a case u/s.397 IPC. Arrested accused is not yet released on bail. Granting anticipatory bail in such a case will send wrong signal to the society. Under the said circumstances, this court is not inclined to grant anticipatory bail.

6. Petition is dismissed.

Delivered by me today.

**Sd/- R. Selvakumar,
Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,
Principal Sessions Judge**

Friday, the 25th day of June 2021

CrI.M.P.No. 10947/2021

in

P-6 Kodungaiyur P.S. Crime No. Not known/2021

Kalaiyaranan

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
P-6 Kodungaiyur Police Station,
Chennai.

..Respondent/Complainant

This petition is coming on this day before me for hearing, upon hearing M/s. R. Saritha, M. Reena, T. Dhanasekaran, Counsel for the petitioner and of CPP for the respondent, this Court delivered the following

ORDER

1. The petitioner, apprehending arrest at the hands of the respondent police, for the alleged offence u/s. 341, 324, 294(b) and 506(ii) IPC in Crime No. Not known/2021 on the file of the respondent police, seeks anticipatory bail.
2. The counsel for the petitioner and the CPP were heard through Video Conference.
3. Learned CPP submits that this case has been registered in Crime No. 951/2021 on the file of the respondent police. Whereas the petitioner mentioned as not known crime number.
4. Learned counsel for the petitioner submits that she is withdrawing this application.
5. In view of the representation made by the counsel for the petitioner, this petition is dismissed as withdrawn.

Delivered by me today.

**Sd/- R. Selvakumar,
Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,
Principal Sessions Judge**

Friday, the 25th day of June 2021

CrI.M.P.No. 10948/2021

in

PEW Anna Nagar P.S. Crime No. 221/2021

Sarathkumar

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
PEW Anna Nagar Police Station,
Chennai.

..Respondent/Complainant

This petition is coming on this day before me for hearing, upon hearing M/s. R. Sasikumar, S. Jeeva, V. Manimaran, A. Tamilselvan, Counsel for the petitioner and of CPP for the respondent, this Court delivered the following

ORDER

1. The petitioner, apprehending arrest at the hands of the respondent police, for the alleged offence u/s. 4(1)(aaa), 4(1-A) of TNP Act and section 188, 269 IPC in Crime No. 221/2021 on the file of the respondent police, seeks anticipatory bail.
2. The counsel for the petitioner and the CPP were heard through Video Conference.
3. Learned counsel for the petitioner submits that this petitioner is innocent of the offence. The specific allegation against the petitioner is that his brother given his vehicle from the A1 and A2 for transporting the brandy bottles and this petitioner helped to transport the same. He has not committed any offence as alleged by the prosecution. This petitioner is no way connected with the alleged offence. Based on the confession statement of co-accused, this petitioner was implicated in this case. Hence, prays for granting anticipatory bail.
4. On the other hand, learned CPP seriously objects granting bail stating that this petitioner knowingly transported the liquor bottles. Huge quantity of liquor bottles were seized from the petitioner. During vehicle check-up, the police found huge quantity of

liquor bottles were transported from the State of Karnataka to Chennai. On seeing the police, except one person, this petitioner and other accused are escaped from the spot. From the Car Hyundai Creta White colour car bearing Registration No.TN 18 AK 0600 which was driven by one Sonu Singh (1) BEJOIS VSOP brandy 108 Nos, 2) Silver Cup VSOP brandy 228 nos, (3) Silver Cup VSOP brandy bottles 288 were seized by the police. Apart from that in three other cars the liquor bottles were transported. In another car bearing registration No. TN 05 BE 5828 Renault KWID Silver Cup VSOP brandy bottles 864 nos, Old ADMIRAL VSOP brandy bottles 18 nos was transported. In the third car bearing registration no. TN 02 BH 9009 Hyundai Creta White Colour Car, Silver cup VSOP brandy bottles 960, (2) Old Admiral VSOP brandy bottles 81 nos was transported. In the Fourth Car bearing registration No. TN 23 BZ 2797 Ashok Leyland closed type lorry, Silver Cup VSOP brandy bottles 768 nos, Bejois VSOP brandy 90 nos and old Admiral VSOP brandy bottles 27 nos. were transported. Totally, more than 3000 bottles were seized from the cars which was used to transport the liquor bottles. Hence, he objects the grant of anticipatory bail.

5. Huge quantity of brandy bottles were seized from the accused while it was transported from other State. Granting anticipatory bail in such a case will send wrong signal to the society. Under such circumstances, this court is not inclined to grant anticipatory bail to the petitioner.

6. Hence, this petition is dismissed.

Delivered by me today.

**Sd/- R. Selvakumar,
Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

Present: Thiru R. Selvakumar, B.A., M.L.,

Principal Sessions Judge

Friday, the 25th day of June, 2021.

CrI.M.P.No. 10950/2021

in

V-5, Thirumangalam P.S. Crime No. 321/2021

A. Jabastin

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing the counsel for the petitioner M/s.J.B.Solomon Peter Kamaldoss, J.B.Hepsibah Jeyanthi and R.Kisoth Kumar and CPP for respondent, this Court delivered the following :

ORDER

1. The petitioner, who apprehend arrest by the respondent police for the alleged offences punishable u/s 448, 324, 354 of IPC and Sec.4 of Women Harassment Act in Crime No.321/2021 on the file of the respondent police, seeks anticipatory bail.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. Learned counsel for the petitioner submits that there was a civil dispute over returning of lease amount to one Murugesan and Muthumeena. In connection with the said dispute in returning lease amount, there was a quarrel between the petitioner and defacto complainant. Co-accused was granted anticipatory bail by this court on 11.6.2021. An exaggerated complaint has been given and prays for granting anticipatory bail.

4. On the other hand, the learned CPP seriously objects granting anticipatory bail stating that it is a case of 354 IPC and Sec.4 of Women Harassment Act. There was a molestation on the defacto complainant by the accused.

5. On perusal of the complaint, the dispute over returning of lease amount is admitted. It has been stated in the complaint itself. Admittedly, for Murugesan – Muthumeena pair, A2 Hariharan is the son. As per the complaint, A2 Hariharan, his brother Sanjai and his friends Jaba (the petitioner herein) and two others came to the resident of the defacto complainant and entered into the room and this petitioner put his

hand on the private part of the defacto complainant and subsequently, when she tried to escape, the other persons assaulted her. Considering the civil dispute between the parties, there is chance for giving an exaggerated complaint. However, the present complaint is with the allegation of molestation by the petitioner herein. He is no way connected with the civil dispute. Why he has entered into the defacto complainant's house, is not properly explained. In the complaint, it has been specifically mentioned that this petitioner has touched the private part of the defacto complainant. Under such circumstances, this court, considering the nature of allegations against the petitioner and since he is no way connected with the civil dispute and there is allegation of molestation against him, this court is not inclined to grant anticipatory bail to the petitioner.

6. Hence, this petition is dismissed.

Delivered by me today.

**Sd/- R. Selvakumar,
Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,
Principal Sessions Judge**

Friday, the 25th day of June 2021

CrI.M.P.No. 10951/2021

in

H-1 Washermenpet P.S. Crime No. 150/2021

Saravanan @ Bathroom Saravanan

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
H-1 Washermenpet Police Station,
Chennai.

..Respondent/Complainant

This petition is coming on this day before me for hearing, upon hearing M/s. S. Tamil Selvan, R. Stephen Shadhurak, Counsel for the petitioner and of CPP for the respondent, this Court delivered the following

ORDER

1. The petitioner, apprehending arrest at the hands of the respondent police, for the alleged offence u/s. 341, 294(b), 395, 397 and 506(ii) IPC in Crime No. 150/2021 on the file of the respondent police, seeks anticipatory bail.
2. The counsel for the petitioner and the CPP were heard through Video Conference.
3. Learned CPP submits that this petitioner already moved similar anticipatory bail application before the Hon'ble High Court in CrI.O.P.No. 10607/2021 and the same was dismissed on 8.6.2021. Further, he submits that this court dismissed the petitioner's anticipatory bail application on two occasions. Hence, he objects the grant of anticipatory bail.
4. Recording the submission made by the CPP, this petition is dismissed.

Delivered by me today.

**Sd/- R. Selvakumar,
Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI
Present: Thiru R. Selvakumar, B.A., M.L.,
Principal Sessions Judge

Friday, the 25th day of June 2021

Crl.M.P.No. 10952/2021

in

P-2 Otteri Police P.S. Crime No. 251/2021

Logesh

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
P-2 Otteri Police Station,
Chennai.

..Respondent/Complainant

This petition is coming on this day before me for hearing, upon hearing M/s. K. Kannan, V. Muthu Pandi, Counsel for the petitioner and of CPP for the respondent, this Court delivered the following

ORDER

1. The petitioner, apprehending arrest at the hands of the respondent police, for the alleged offence u/s. 341, 294(b), 324, 307 and 506(ii) IPC in Crime No. 251/2021 on the file of the respondent police, seeks anticipatory bail.
2. The counsel for the petitioner and the CPP were heard through Video Conference.
3. Learned counsel for the petitioner submits that the petitioner is innocent of the offence. He is no way connected with the alleged offence. Victim was already discharged from the hospital. Co-accused were released on bail by this court. Hence, he prays for granting anticipatory bail.
4. On the other hand, learned CPP submits that this petitioner/A3 along with three other accused attacked the defacto complainant using knife and caused multiple injuries to him. The victim was admitted in hospital for 8 days as inpatient and thereafter discharged from the hospital.
5. Occurrence took place on 23.2.2021. No previous case is reported as against the petitioner. According to CPP, victim was discharged from the hospital after 8 days of inpatient treatment and other co-accused were already granted bail by this court.

Considering the above facts and the occurrence date which was taken place in the month of February 2021, this court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

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 X Metropolitan Magistrate, 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 likesum 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 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 appear before the respondent police as and when required.

[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 have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Supreme Court in P.K. Shaji Vs. State of Kerala [(2005) AIR SCW 5560].

[f] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today.

**Sd/- R. Selvakumar,
Principal Sessions Judge**

Copies to:

1. The X Metropolitan Magistrate, Chennai.
2. CPP, Chennai.
3. The Inspector of Police, P-2 Otteri Police Station, Chennai.

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Crl.M.P.No. 10952/2021

IN THE COURT OF SESSIONS AT CHENNAI
Present: Thiru R. Selvakumar, B.A., M.L.,
Principal Sessions Judge

Friday, the 25th day of June 2021

Crl.M.P.No. 10963/2021

in

R-5 Virugambakkam P.S. Crime No. 171/2021

N. Sundarraj

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
R-5 Virugambakkam Police Station,
Chennai.

..Respondent/Complainant

This petition is coming on this day before me for hearing, upon hearing M/s. E. Paramasivan, E. Chandru, Counsel for the petitioner and of CPP for the respondent, this Court delivered the following

ORDER

1. The petitioner, apprehending arrest at the hands of the respondent police, for the alleged offence u/s.3(2)(a), 4(1) & 5(1)(a) of Immoral Traffic (Prevention) Act 1956 in Crime No. 171/2021 on the file of the respondent police, seeks anticipatory bail.
2. The counsel for the petitioner and the CPP were heard through Video Conference.
3. Learned counsel for the petitioner submits that the petitioner is innocent of the offence. He has been falsely implicated in this case. He is no way connected with the alleged occurrence. He happens to be the owner of the lodge in the Immoral Traffic Act done by the other accused. By way of confession this petitioner has been implicated. In fact he is tested Covid Positive on 6.4.2021 and he was not at all attending the business of lodge for about a month. The alleged occurrence took place on 29.4.2021. On that date, he was not at all present in the lodge. It appears his manager and some other persons indulged in unlawful activities for their benefit. He is ready to co-operate with the investigating agency and prays for granting anticipatory bail.
4. On perusal of the Case Diary, it appears that this petitioner has been arrayed as A2. A3 Rakesh is the manager of the lodge. A1 is the broker. Admittedly, the petitioner was not

present at the lodge at the time of occurrence. The medical records produced by the petitioner would go to show the petitioner was affected with Covid 19 and he was under treatment for sufficiently long period. Considering the absence of the petitioner on the date of occurrence, this Court is inclined to grant anticipatory bail subject to the following conditions.

5. 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 IV Metropolitan Magistrate, 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 likesum 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 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 appear before the respondent police daily at 10.30 a.m. until further orders.

[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 have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Supreme Court in P.K. Shaji Vs. State of Kerala [(2005) AIR SCW 5560].

[f] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today.

**Sd/- R. Selvakumar,
Principal Sessions Judge**

Copies to:

1. The IV Metropolitan Magistrate, Chennai.
2. CPP, Chennai.
3. The Inspector of Police, R-5 Virugambakkam Police Station, Chennai.

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CrI.M.P.No. 10963/2021

IN THE COURT OF SESSIONS AT CHENNAI
Present: Thiru R. Selvakumar, B.A., M.L.,
Principal Sessions Judge

Friday, the 25th day of June 2021

Crl.M.P.No. 12255/2021

in

W-26 Ashok Nagar All Women P.S. Crime No. 10/2020

Mahesh

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
W-26 Ashok Nagar All Women Police Station,
Chennai.

..Respondent/Complainant

This petition is coming on this day before me for hearing, upon hearing M/s. D. Pandarinath, N. Naresh, Counsel for the petitioner and of CPP for the respondent, this Court delivered the following

ORDER

1. The petitioner, apprehending arrest at the hands of the respondent police, for the alleged offence u/s. 417, 506(i) IPC in Crime No. 10/2020 on the file of the respondent police, seeks anticipatory bail.
2. The counsel for the petitioner and the CPP were heard through Video Conference.
3. Learned counsel for the petitioner submits that there was some consensual sexual relationship between the defacto complainant and the petitioner. Thereafter, due to misunderstanding, an exaggerated complaint has been given by the defacto complainant against the petitioner and though the petitioner is ready to settle the matter, the defacto complainant is not turned up for mediation and thus, he prays for granting anticipatory bail.
4. On the other hand, learned CPP submits that it is a case of sexual offence. The defacto complainant was sexually abused under the guise of marrying her and objects granting of anticipatory bail.
5. On perusal of the complaint, it appears that the defacto complainant was a married woman. Her marriage was failure. Thus, she looking for her life partner to settle down. She had located the petitioner in the year 2019 through a mobile App and in pursuance of that,

she developed intimacy and she contends that the petitioner assured to marry her and on such pretext, he also received money from the defacto complainant. The matter has been referred to Mediation on 2.12.2010. The failure report was received from the Mediation Centre with a Note as if though the petitioner was present for four times, the respondent will not attending. Even as per the complaint, the petitioner was located by the defacto complainant through a mobile app. In all probability it is a dating app. It is alleged that she had sex with him in his friend's house. Though, this court made an effort to settle the matter through mediation, she is not turned up. Whether she is a legally divorced woman is not mentioned in the petition. The petitioner is ready to co-operate with the investigating agency. Considering the date of occurrence and delay taken place due to mediation activities, this court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

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 XVII Metropolitan Magistrate, 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 likesum 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 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 appear before the respondent police daily at 10.30 a.m. until further orders.

[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 have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Supreme Court in P.K. Shaji Vs. State of Kerala [(2005) AIR SCW 5560].

[f] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today.

**Sd/- R. Selvakumar,
Principal Sessions Judge**

Copies to:

1. The XVII Metropolitan Magistrate, Chennai.
2. CPP, Chennai.
3. The Inspector of Police, W-26 Ashok Nagar All Women Police Station, Chennai.

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CrI.M.P.No. 12255/2021