

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL ORIGINAL PETITION No.21890 of 2017

S.VENKATESAN,

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

VANUR POLICE STATION,

VILLUPURAM DISTRICT.

CR.NO.436 OF 2017.

For Petitioner : M/S.C.MUNUSAMY Advocate

For Respondent : MR. K.MADHAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

This is the second anticipatory bail petition and the earlier petition in Crl. O.P. No.19422/17 was dismissed by this Court on 19.9.17.

2. It is the case of the defacto complainant that he had some financial dealings with Venkatesan and that Venkatesan had given a complaint against the defacto complainant on 4.8.17 in which the Sub Inspector of Police conducted an enquiry. Thereafter, the defacto complainant received an anonymous letter by courier in which it is stated that poison had been administered to Krishnakumar, the son of the defacto complainant and that he will die in five days. It is further stated in the anonymous letter that if the defacto complainant pays Rs.10 Lakhs, an antidote will be supplied for removing the poison. Immediately on receiving the anonymous letter, the defacto complainant lodged a complaint suspecting the involvement of Sabarimuthu and Venkatesan. The respondent police registered a case in Crime No.436/17 on 18.8.17 under Section 387 IPC and arrested Sabarimuthu on 18.8.17 and he was remanded to custody on 19.8.17. Sabarimuthu was released on bail by the learned Judicial Magistrate, Vanur on 23.8.17 on the ground that the police had not done any investigation to link Sabarimuthu with the anonymous letter.

3. This Court perused the case diary and found that the investigating officer had not even recorded the statement of Sabarimuthu after his arrest. This petitioner is the uncle of

Sabarimuthu. In such view of the matter, this Court is inclined to grant anticipatory bail to the petitioner.

4. 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, Vanur, 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 learned Judicial Magistrate, Vanur 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 report before the learned Judicial Magistrate, Vanur daily at 10.30 a.m. and before the respondent police daily at 6.30 p.m. for a period of two weeks and thereafter, 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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
24/10/2017

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,
VANUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VANUR POLICE STATION,
VILLUPURAM DISTRICT.

+1 CC to M/S.C.MUNUSAMY Advocate on payment of necessary
charges-Sr.19693

CRL OP.21890/2017

Date :24/10/2017

ths : 25.10.2017