

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)
Monday, the Ninth day of March Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL ORIGINAL PETITION No.5388 of 2020

1 KISHORE
2 ARAVIND

[PETITIONERS / ACCUSED]

Vs

STATE RERESENTED BY
THE INSPECTOR OF POLICE,
K-5, PERVALLUR POLICE STATION,
PERAVALLUR
CRIME NO.41 OF 2020

[RESPONDENT]

For Petitioner : M/S. GAJALAKSHMI RAJENDRAN Advocate

For Respondent : MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

- 1.The Petitioners herein, apprehending arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 341, 294(b), 397 and 506(ii) of IPC, in Cr.No.41 of 2020, have filed this Criminal Original Petition, under Section 438 of Cr.PC, seeking anticipatory bail.
- 2.The facts of the case of the Prosecution are that the Petitioners, who are known to the defacto complainant, waylaid him and threatened him by brandishing a knife and taken away the amount from him. Hence, the Petitioners have been implicated as the accused in the case on hand.
- 3.This court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.
- 4.According to the learned counsel for the Petitioners, they are innocent and they have been falsely implicated in the case on hand. The co-accused was arrested and enlarged on bail. The Petitioner would abide by any conditions to be imposed by this Court for enlarging the Petitioner on anticipatory bail.

5. On the other hand, the learned Additional Public Prosecutor, would vehemently oppose for granting anticipatory bail to the Petitioners and stated that no previous case is pending against the the Petitioners.

6. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail in favour of the Petitioners, however, on stringent conditions. Accordingly, the Petitioners are hereby ordered to be released on anticipatory bail, in the event of their arrest or on their appearance before the V Metropolitan Magistrate, Egmore, Chennai, within 15 days from the date of receipt of a copy of this order and further on each of the Petitioners complying with the following conditions, without fail:-

- i. If the Petitioners fail to surrender before the V Metropolitan Magistrate, Egmore, Chennai, within a period of 15 days, from the date of receipt of a copy of this order, this order shall stand automatically cancelled, without any further reference to this Court.
- ii. Each of 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 V Metropolitan Magistrate, Egmore, Chennai. The sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.
- iii. The Petitioners shall report before the Respondent Police, daily twice at 10.30 a.m. and 5.30 p.m. until further orders.
- iv. The Petitioners shall not abscond either during the investigation or the trial. The Petitioners shall not tamper with evidence or witness, either during the investigation or the trial.
- v. On breach of any of the aforesaid conditions, the concerned Trial Court is entitled to take appropriate action against the Petitioners, in accordance with law, as if the conditions have been imposed and the Petitioners are released on bail, by the concerned Trial Court itself, as laid down in the decision of the Honourable Supreme Court reported in **2005 AIR SCW 5560 (P.K.Shaji Vs. State of Kerala)**.

vi.If the Petitioners, thereafter, abscond, a fresh First Information Report shall be registered, under Section 229A of IPC.

-sd/-
09/03/2020

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.V, EGMORE.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-5, PERVALLUR POLICE STATION,
PERAVALLUR

+1CC to M/S. GAJALAKSHMI RAJENDRAN Advocate on payment of
necessary charges SR NO.4685

CRL OP.5388/2020

MK:11/03/2020

Date :09/03/2020

WEB COPY