

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.3284 of 2021

Raguram

...Petitioner

Versus

1.The Commissioner of Police, ...Respondents
O/o.Commissioner Office,
Kolkatta, West Bengal.

2.State by Inspector of Police,
R-1, Mambalam Police Station,
Chennai.

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on interim anticipatory bail in the event of his arrest pending case in C.S.No.85322 of 2018 on the file of XIX Metropolitan Magistrate Court, Kolkatta.

For Petitioner : Mr.S.N.Arunkumar

For Respondents : Mr.C.E.Pratap
Government Advocate (Crl. side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for alleged offences punishable under Sections 406 & 420 of IPC in CS.No.85322 of 2018 before the learned XIX Metropolitan Magistrate Court, Kolkatta, seeks anticipatory bail.

2. The learned counsel for the petitioner submits that there was a money dispute between the petitioner and the defacto complainant due to which a false complaint has been given against the petitioner. He has nothing to do with the said allegations. He further submitted that Interstate Anticipatory bail may be granted to him so as to enable him to move to the appropriate jurisdictional court in the State of West Bengal for obtaining necessary relief before the competent Court.

3. Taking into consideration the nature of allegation in the F.I.R., this Court is inclined to grant interstate anticipatory bail to the petitioner as per the judgement of the Hon'ble Division bench

of this Court in **S.P.Shanthi Swaroop Vs. State of Tamil Nadu rep.by Assistant Commissioner of Police, Central Crime Branch, Madras (1992 LW (Crl) 475)**, for a period of **six weeks from today**. In the meantime, the petitioner shall workout his remedies before the jurisdictional Court in West Bengal. Grant of Anticipatory Bail would only protect the petitioner from arrest in Tamil Nadu and cannot mean that they would be entitled to regular anticipatory bail from the jurisdictional Court.

4. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Metropolitan Magistrate No.XVIII, Saidapet, 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 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 and on further condition that:

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

(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]**; and;

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

-sd/-
16/06/2021

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.XVIII, SAIDAPET, CHENNAI.

2 THE XIX METROPOLITAN MAGISTRATE COURT,
KOLKATTA.

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE COMMISSIONER OF POLICE,
O/O COMMISSIONER OF POLICE,
KOLKATTA, WEST BENGAL.

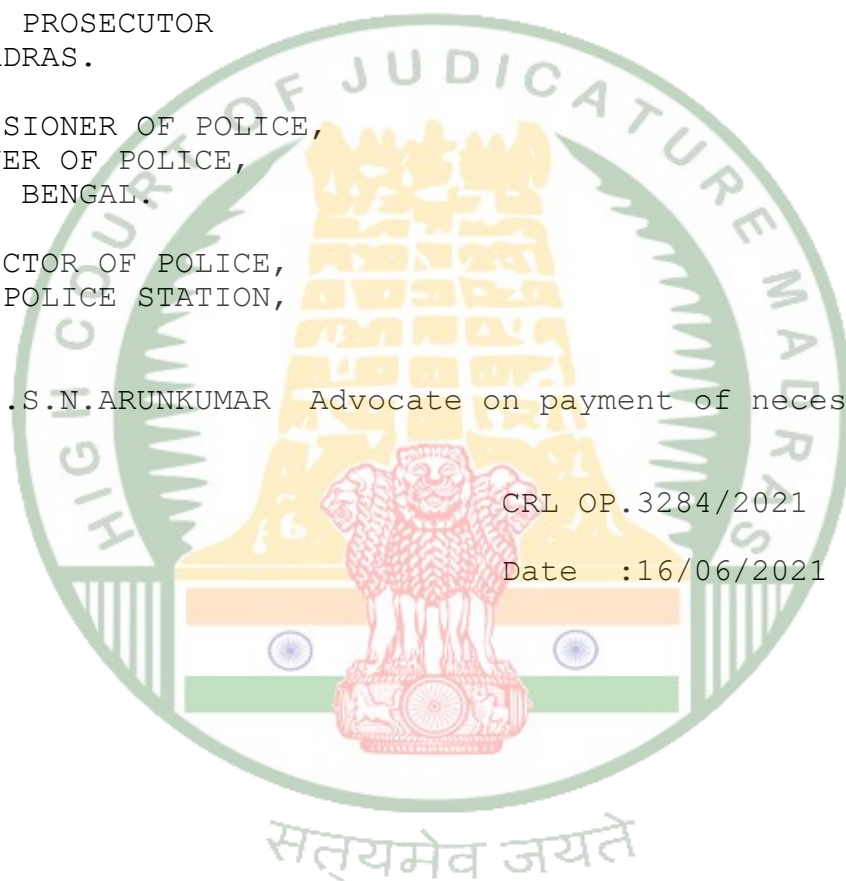
6 THE INSPECTOR OF POLICE,
R-1, MAMBALAM POLICE STATION,
CHENNAI.

CC to M/S.S.N.ARUNKUMAR Advocate on payment of necessary
charges

CRL OP.3284/2021

Date :16/06/2021

TA-13/07/2021



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