

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.5154 of 2021

BHARAT SHA

[PETITIONER / ACCUSED]

Vs

STATE BY [RESPONDENT]
THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME BRANCH,
NAMAKKAL DISTRICT.
TAMIL NADU,
CR.NO.22 OF 2020.

For Petitioner : M/S.B.CHANDRAN Advocate

For Respondent : MR.T.SHUNMUGA RAJESWARAN,
Government Advocate (crl.side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406, 420, 506(i) r/w 120(b) IPC, in Crime No.22 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons had collected huge materials from the defacto complainant. Thereafter, they have not paid the amount. Hence, the complaint was registered.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is acting as commission agent and there is no allegation against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner along with other accused persons had collected huge materials from the defacto complainant. Thereafter, they have not paid the amount. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the fact that the petitioner is acting as commission agent and there is no previous case pending against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain 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 on which the order copy was made ready, before the Chief Judicial Magistrate, Kumarapalayam, Namakkal, 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 conditions 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., for a period of two weeks and thereafter, as and when required for 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
29/04/2021

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 CHIEF JUDICIAL MAGISTRATE
KUMARAPALAYAM,
NAMAKKAL DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME BRANCH,
NAMAKKAL DISTRICT.
TAMIL NADU.

+1 CC to M/S.B.CHANDRAN Advocate on payment of necessary charges
SR.No.5570

CRL OP.5154/2021

Date :29/04/2021

cs 26/05/2021

WEB COPY