

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Sixteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6432 of 2021

J.SANTHOSH

[PETITIONER / ACCUSED]

Vs

STATE REP BY  
THE INSPECTOR OF POLICE,  
GURUBARAPALLI POLICE STATION,  
KRISHNAGIRI.  
CRIME NO.854/2020

[RESPONDENT]

For Petitioner : M/S.M.SURESH Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN,  
Government Advocate(Criminal 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 offence under Sections 392 of IPC in Cr.No.854 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution that the petitioner, who is 4th accused in the case, along with other accused persons, waylaid the defacto complainant and threatened to give his cell phone. When he refused to give the same, they had snatched the cell phone and assaulted the defacto complainant and escaped. On the basis of the complaint lodged by the defacto complainant, the case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner is ready to abide by any of the condition that is to be imposed by this Court.

4.The learned Additional Public Prosecutor submits that A1 to A3 arrested and released on bail and there is no previous case as against the petitioner.

5. Considering the fact that the the petitioner has no previous case and the co-accused have arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 Judicial Magistrate-II, Krishnagiri 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 the 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;

(b) the petitioner shall report 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]; and;

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

-sd/-

16/04/2021

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 JUDICIAL MAGISTRATE NO II,  
KRISHNAGIRI.
2. THE CHIEF JUDICIAL MAGISTRATE,  
KRISHNAGIRI DISTRICT. (FOR INFORMATION)
3. THE INSPECTOR OF POLICE,  
GURUBARAPALLI POLICE STATION,  
KRISHNAGIRI.
4. THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.M.SURESH Advocate on payment of necessary charges  
SR NO. 5053

CRL OP.6432/2021

Date :16/04/2021

TK/22.04.2021



WEB COPY