

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the First day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V.BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6372 of 2021

ELAMARAN

[PETITIONER/ACCUSED]

Vs

STATE REP BY

[RESPONDENT/COMPLAINANT]

THE INSPECTOR OF POLICE,
THIRUVANNAMALAI TALUK POLICE STATION,
THIRUVANNAMALAI.
CRIME NO.107/2021

For Petitioner : M/S T.SHANMUGAM Advocate

For Respondent : MR.S.KARTHIKEYAN Additional Public Prosecutor

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 punishable under Sections 294(b), 342, 364 (A), 506 (i) of IPC, in Crime No.107 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's brother has received money from A1 and A2 on the guise of securing employment. Thereafter, the petitioner and others said to have demanded money from him and when he refused to give, the petitioner along with other accused said to have criminally intimidated him. Hence, a criminal case has been registered.

3. The learned counsel appearing for the petitioner would submit that the defacto complainant's brother has received money on the guise of getting job for them. When the petitioner along with other accused persons have demanded money, there was a wordy quarrel. He would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that co-accused had already been arrested and thereafter they were released on bail by this Court in CrI.O.P.Nos.4960 and 4986 of 2021. Therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to money dispute, there is a wordy quarrel between the parties when the petitioner along with other

accused have demanded money from the defacto complainant. He would submit that the investigation is almost completed. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the fact that due to money dispute, there was a wordy quarrel between the parties, investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) 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 made ready, before the learned Judicial Magistrate No.II, Thiruvannamalai, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial. [f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

01/04/2021

This order, on being produced, be punctu ally observed and carried into execution by all concerned

TRUE COPY

TO

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

CC to M/S T.SHANMUGAM Advocate on payment of necessary charges

CRL OP.6372/2021

Date :01/04/2021

TK/22.04.2021



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