

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

Wednesday, the Twenty Eighth day of April
Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.7409 of 2021

K.V.PRABHU

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
E-9, THAZHAMBUR POLICE STATION,
CHENGALPATTU DISTRICT
(CRIME.NO.43/2021)

For Petitioner : M/S.G.ARUN Advocate

For Respondent : MR.T. SHUNMUGARAJESWARAN, Govt. 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 punishable under Sections 341, 294(b), 506(ii), 392, 307 of IPC r/w 3(1) of TNPPDL Act, 1992, in Crime No.43 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with three others obstructed the defacto complainant and robbed a sum of Rs.250 and a wrist watch from the defacto complainant and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution. Hence, he sought for grant of anticipatory bail to the petitioner .

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the defacto complainant is running a TASMAL Bar. The petitioner and other accused persons

went to the bar and demanded money. When the defacto complainant refused, they threatened him with dire consequences and robbed Rs.250 and a wrist watch from the defacto complainant and also damaged his two wheeler parked in front of the shop. He further submitted that no one is injured in this case and also no previous case is pending as against this petitioner.

5.Taking into consideration the facts and circumstances of the case and also the fact that no one is injured in this case and no previous case is pending against the petitioner, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Chengalpattu, 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. 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
28/04/2021

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.I
CHENGALPATTU
KANCHEEPURAM DISTRICT
2. THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU
KANCHEEPURAM DISTRICT (For information)
3. THE INSPECTOR OF POLICE,
E-9, THAZHAMBUR POLICE STATION,
CHENGALPATTU DISTRICT
4. THE PUBLIC PROSECUTOR
HIGH COURT MADRAS 104.

CC to M/S.G.ARUN Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.7409/2021

Date :28/04/2021

SP (24/06/2021)

WEB COPY