

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Third day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7719 of 2021

BALAKRISHNAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
H3, MARAIMALAI NAGAR POLICE STATION,
CHENGALPET DISTRICT
(REF CR.NO.233/2021 DATED 29.03.2021)

For Petitioner : M/S.C.ARUN KUMAR Advocate

For Respondent : MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest for the alleged offence under Section 392 of IPC in Crime No.233 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the petitioner along with two other accused persons went to the hotel run by the defacto complainant and had asked for tiffin. When the defacto complainant asked money, the petitioner and other accused persons abused the defacto complainant in filthy language and intimidated him at knife point and robbed Rs.600/- from the cash box. Hence the complaint.

4. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He further submitted that he is only present at the scene of occurrence and the co-accused were already arrested and released on bail by the lower Court. Hence, he sought for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate, would submit that the petitioner abused the defacto complainant in filthy language and robbed Rs.600/- from his cash box at knife point. He further submitted that the petitioner has no previous case against him. The learned Government Advocate submitted that already A2 and A3 were arrested and released on bail.

6. Considering the facts and circumstances of the case and also considering the submission of the learned Government Advocate that the co-accused were released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate-II, Chengalpet, within a period of 15 days from the date of receipt of a copy of this order, on executing 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 conditions that:

[a] 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 report before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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].

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

-sd/-

23/04/2021

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, CHENGALPET

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
H3, MARAIMALAI NAGAR POLICE STATION,
CHENGALPET DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.ARUN KUMAR Advocate on payment of necessary charges
Sr.5225

CRL OP.7719/2021

Date :23/04/2021

RVR 29/04/2021

सत्यमेव जयते
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