

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifth day of May Two Thousand Twenty One

PRESENT

The Hon`ble Ms Justice R.N. MANJULA

CRIMINAL ORIGINAL PETITION No.8606 of 2021

BALASUBRAMANI

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VELLAKOIL POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO.150 OF 2021.

For Petitioner : M/S.J.FRANKLIN Advocate

For Respondent : M/S.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, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 379 of IPC in Crime No.150 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that due to a wordy quarrel, the petitioner assaulted the *de facto* complainant and snatched away the cash of Rs.46,000/-. Hence, the complaint.

3. The learned Government Advocate (Criminal side) would submit that the petitioner attacked the *de facto* complainant and the theft amount of Rs.46,000/- involved in this case, is yet to be recovered and hence, he opposed for the grant of anticipatory bail to the petitioner.

4. The learned counsel appearing for the petitioner would submit that the petitioner is willing to deposit Rs.46,000/-, without prejudice to his defence and hence, he prays to grant anticipatory bail to the petitioner.

5. Taking into consideration, the facts and circumstances of the case and the fact that the petitioner is willing to deposit the

Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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, Kangayam**, 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 condition 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 deposit Rs.46,000/- [Rupees Forty Six Thousand Only] without prejudice to his defence, to the credit of Crime No.150 of 2021 before the learned Magistrate, within a period of one week, from the date of receipt of a copy of this order, before executing the bond. The learned Magistrate shall pass the order of disbursal of the amount, depending on the final outcome of the case.

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[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 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]**.

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

-sd/-
05/05/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
KANGAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

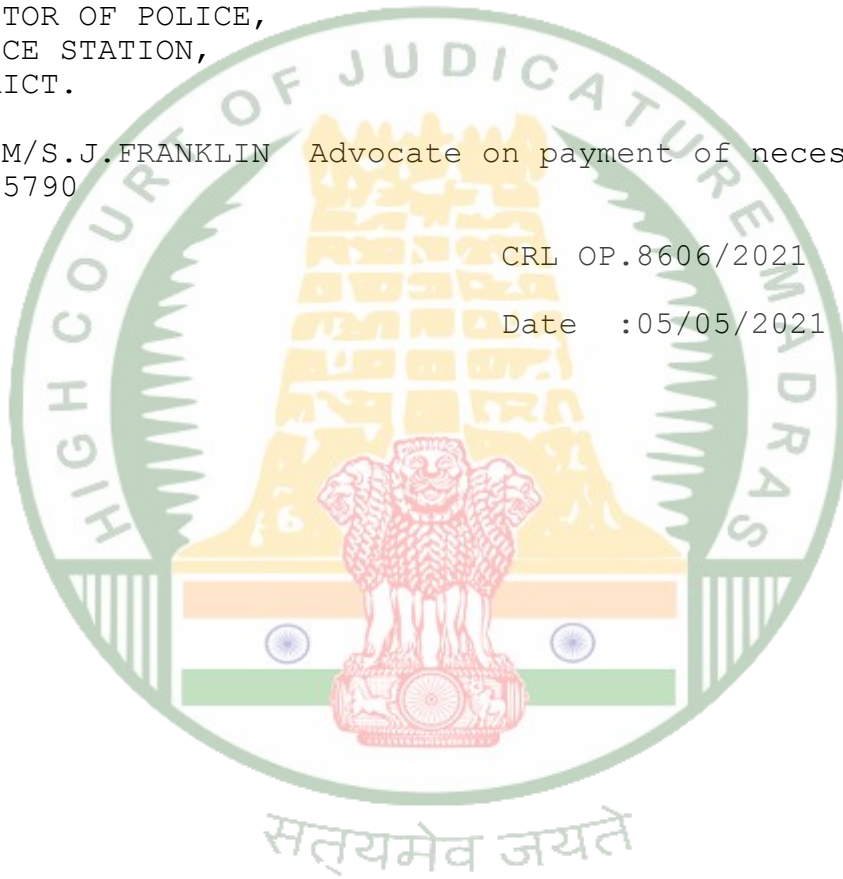
4 THE INSPECTOR OF POLICE,
VELLAKOIL POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S.J.FRANKLIN Advocate on payment of necessary
charges SR.NO.5790

CRL OP.8606/2021

Date :05/05/2021

TA-12/05/2021



WEB COPY