

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.05.2021

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

CRL.O.P.No. 9300 of 2021

Ramalingam

.. Petitioner

Vs.

State represented by;

... Respondent

Inspector of Police (L & O)
R-10 MGR Nagar Police Station,
Chennai.
(Crime No.306 of 2021)

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail, in the event of arrest pending investigation in Crime No.306 of 2021, on the file of the respondent police.

For Petitioner : Mr.P.G.Santhoshkumar

For Respondent : Mr. J.C.Durairaj
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 147, 341, 294(b), 323, 324, 506(ii) IPC in Crime No.306 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The learned counsel for the petitioner submitted that a false complaint has been given against the petitioner and he has not connected with the crime as alleged by the prosecution. Hence, he would pray to grant anticipatory bail to the petitioner.

3.The learned Government Advocate (Crl.Side) appearing for the respondent state would vehemently oppose for the grant of anticipatory bail to the petitioner.

4.This Court considered the submissions made by the learned counsel for all the parties concerned and also perused the materials on record.

5.The Constitution Bench of the Supreme Court in the case of **Gurbaksh Singh Vs. State of Punjab (AIR 1980 SC 1632)**, has explained the true scope of Section 438 Cr.P.C.,. Further, the Supreme Court

has laid down the law regarding arrest of accused for the offences punishable below 7 years, in the case of **Arnesh kumar Vs. State of Bihar (2014 8 SCC 273)** and considering the fact that the custodial interrogation of the petitioner is not necessary and the fact that there is no apprehension that the petitioner may abscond, the petitioner is granted anticipatory bail in the event of arrest or on his appearance, before the learned Metropolitan Magistrate No.XVII, Saidapet, Chennai, on condition that the petitioner shall execute his own bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, within a period of one month from the date of normal functioning of the Court below, and further condition that:

[a] the petitioner shall make himself available for interrogation by the police officer as and when required;

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[d] the petitioner shall appear before the Court below, whenever required.

[d] the petitioner shall affix their photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his/her identity.

[e] the petitioner shall not tamper with the evidence or witness 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/-

19/05/2021

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 METROPOLITAN MAGISTRATE,
NO.XVII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

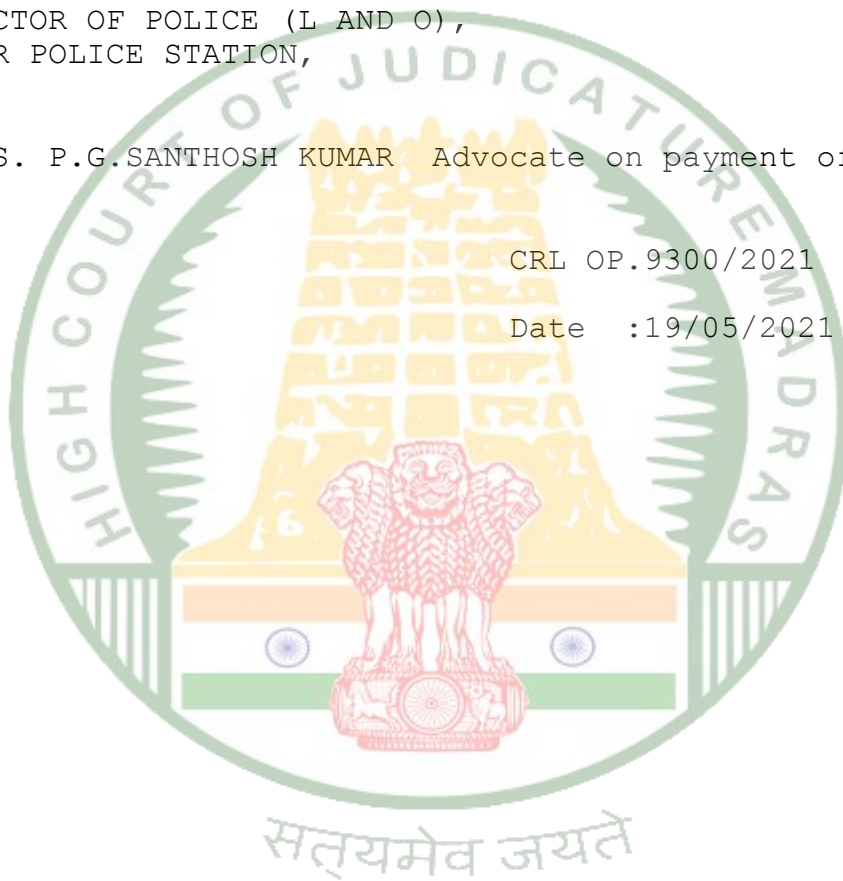
4 THE INSPECTOR OF POLICE (L AND O),
R-10 MGR NAGAR POLICE STATION,
CHENNAI.

CC to M/S. P.G.SANTHOSH KUMAR Advocate on payment of necessary
charges

CRL OP.9300/2021

Date :19/05/2021

TA-06/07/2021



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