

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.05.2021

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

CRL.O.P.No.9385 of 2021

1.Chinnasamy
2.Sakthivel

... Petitioners

Vs.

The State rep by:-
The Inspector of Police,
Bargur Police Station,
Krishnagiri District.
(Crime No.133 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on Anticipatory Bail in the event of their arrest in Crime No.133 of 2021 pending investigation on file of the respondent police.

For Petitioners : Mr.R.Thirumoorthy

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

ORDER

(The case has been heard through video conference)

The petitioners, who were apprehends arrest at the hands of respondent police for the offences punishable under **Section 379 of IPC in Crime No.133 of 2021**, on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioners would submit that the false complaint has been lodged against the petitioners and they have not connected with the crime as alleged by the prosecution. Hence, he prays to grant of anticipatory bail to the petitioners.

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

4. This Court considered the submissions made by the learned counsel for all the parties concerned and also perused the F.I.R.

5. The Supreme Court has laid down the law regarding grant of anticipatory bail in the case of **Gurbaksh Singh Vs. State (AIR 1980**

SC 1632) and considering the fact that the custodial interrogation of the petitioners are not necessary and the fact that there is no apprehension that the petitioners may abscond, the petitioners are granted anticipatory bail in the event of arrest or on his appearance, before the **learned Principal District and Session Judge at Krishnagiri**, on condition that the petitioners shall execute 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 petitioners shall make themselves available for interrogation by a police officer as and when required;

[b] the petitioners 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 petitioners shall not leave India without the previous permission of the Court;

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

[e] the petitioners 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 their identity.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] 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]**.

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

-sd/-

20/05/2021

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 PRINCIPAL DISTRICT
AND SESSIONS JUDGE, KRISHNAGIRI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
BARGUR POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary
charges

CRL OP.9385/2021

Date :20/05/2021

TA-06/07/2021



WEB COPY