

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.05.2021

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

CRL.O.P.No.9402 of 2021

Sivakumar

... Petitioner

Vs.

State rep by:-

The Inspector of Police,
S-1, St.Thomas Mount Police Station,
Chennai 600 016.

Crime No.Not Known of 2021

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code to enlarge the petitioner / Accused on bail in the event of arrest by the respondent police in Crime No.not known of 2021 pending investigation before the respondent.

For Petitioner : Mr.R.Rajesh Vivekananthan

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of respondent police for the offences punishable under Sections 294(b), 406 and 506(i) of IPC in Crime No. not known of 2021, on the file of the respondent police, seeks anticipatory bail.

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

3. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose to grant anticipatory bail to the petitioner. He would also submit that there is no F.I.R. registered against the petitioner and only he was enquired by the police in C.S.R.No.184 of 2021.

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 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 Judicial Magistrate, Alandur, Chennai 600 016, on condition that the petitioner 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 petitioner shall make themselves available for interrogation by a 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.

[e] 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 their identity.

[f] the petitioner 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 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].

[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 JUDICIAL MAGISTRATE,
ALANDUR, CHENNAI 600 016.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
S-1, ST. THOMAS MOUNT POLICE STATION,
CHENNAI- 600 016.

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

CRL OP.9402/2021

Date :20/05/2021

RVR 02/07/2021