



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13535 of 2021

G.NAGARATHINAM

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
T4, R.K.PET POLICE STATION,
THIRUVALLUR DISTRICT
(CR.NO.525/2021)

For Petitioner : M/S.R.VIVEKANANTHAN Advocate

For Respondent : M/S. C.E.PRATAP, 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 alleged offences punishable under Sections 457, 511 IPC in Crime No.525 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant was coming near Ponnaiyarajapuram in a two wheeler for his personal work at 3.30 a.m, he heard some noise nearby and found that the petitioner along with other accused attempted to break the back gate shutter of the Spinning Mill by using iron rod, when the defacto complainant raised his voice, they have escaped from the scene of occurrence in their two wheeler. Hence the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that the petitioner's name does not find place in the F.I.R. and he has nothing to do with the said offence and he is also having his own business of running JCB. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submits that the petitioner along with other accused with an intention to commit robbery had tried to break open the door of the Spinning Mill with iron rod, when the defacto complainant who was passing nearby shouting at them, they have escaped from the scene of occurrence. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the fact that the petitioner's name does not find place in the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Pallipattu, Thiruvallur on condition that the petitioner shall execute a separate 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 condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
12/08/2021

WEB COPY

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,
PALLIPATTU, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T4, R.K.PET POLICE STATION,
THIRUVALLUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.VIVEKANANTHAN Advocate on payment of necessary charges SR.No.8544

CRL OP.13535/2021

Date :12/08/2021

APN 25/08/2021