



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twelfth day of August Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.13924 of 2021

A.RAJENDRAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
UTHIRAMERUR POLICE STATION,
KANCHIPURAM DISTRICT.
CR.NO. 709/2021.

[RESPONDENT]

For Petitioner : M/S R.EZHILARASAN Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (CrI. 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 under Section 447, 506(1) of I.P.C. and Section 3(1) of T.N.P.P.D.L. Act, 1992 in Crime No.709 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused persons were trespassed into the land that was allotted to the Court for construction of a new building in the said property and digged 3 feet pit north to south in upper side area to form a road that to merge with the road running to Uthiramerur to Maanampathi. Hence, the defacto complainant, who was working as Head Clerk in the said Court had lodged a complaint before the respondent police. Apprehending arrest at the hands of the respondent police, the petitioner is before this Court.

3.The learned counsel appearing for the petitioner submitted that the petitioner is in no way connected with the offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioner, without prejudice his rights, on his own volition, is ready and willing to contribute a sum of Rs.20,000/- for the purpose of rectifying the damages caused by the other accused persons. Hence, the learned counsel prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that there is no previous case pending as against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

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5.Considering facts and circumstances of the case and also the fact that the petitioner is ready and willing to contribute a sum of Rs.20,000/-, 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 District Munsif cum Judicial Magistrate, Uthiramerur 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner shall make a non-refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the District Munsif cum Judicial Magistrate, Uthiramerur, for the improvement of the adjacent Court Campus and also for rectifying the damages caused by the other accused under necessary acknowledgement, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

(c)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;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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



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

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-sd/-
12/08/2021

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, UTHIRAMERUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
KANCHIPURAM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
UTHIRAMERUR POLICE STATION,
KANCHIPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.13924/2021

Date :12/08/2021

INBA 24/08/2021