



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

Wednesday, the Twenty Fifth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15068 of 2021

1 SENDHIL @ SENDHIL KUMAR [PETITIONERS / ACCUSED]
2 ABINESH

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CUDDALORE PORT POLICE STATION,
CUDDALORE DISTRICT
CRIME NO.34 OF 2021

For Petitioners : M/S.C.PRABAKARAN Advocate

For Respondent : MR.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 petitioners, who apprehend arrest for the alleged offence punishable under Sections 379 of IPC in Crime No.34 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and others have stolen 60 kgs of lead shells in fishing nets from the defacto complainant's boat. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that due to previous enmity between the petitioners and the defacto complainant, the present complaint has been filed.



5. The learned counsel for the petitioners submits that however, on instructions, the petitioners, without prejudice to their rights, on their own volition, are ready to deposit the amount of Rs.5,000/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.5,000/- will be returned.

6. Considering the fact that the petitioners, on their own volition, are ready to deposit the amount of Rs.5,000/- to the credit of the crime number, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest, or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Cuddalore on condition that each of the petitioners shall execute a separate bonds for a sum of Rs.10,000/- (Rupees Ten thousand Only) each, 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 petitioners shall deposit a sum of Rs.5,000/- (Rupees Five thousand Only) to the credit of Cr.No.34 of 2021 before the Judicial Magistrate No.II, Cuddalore within a period of four weeks from the date of receipt of a copy of this order . On such deposit being made, the learned Judicial Magistrate No.II, Cuddalore, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.5,000/- deposited by the petitioners to the credit of Cr.No.34 of 2021 will be returned to the petitioners and after obtaining such affidavit of undertaking from the defacto complainant, the trial court shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b) the petitioners 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;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;



(e) the petitioners shall not abscond 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 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]; and;

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

-sd/-
25/08/2021

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,
NO.II, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
CUDDALORE PORT POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges SR.NO.9101

CRL OP.15068/2021

Date :25/08/2021

JPA 24/09/2021