



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16483 of 2021

1 AJITH @ AJITH KUMAR
2 MOHANRAJ @ SONU

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE
KARIPATTY POLICE STATION,
SALEM DISTRICT
(CRIME NO.299 OF 2021)

[RESPONDENT]

For Petitioners : M/S KARAN AND UDAY Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

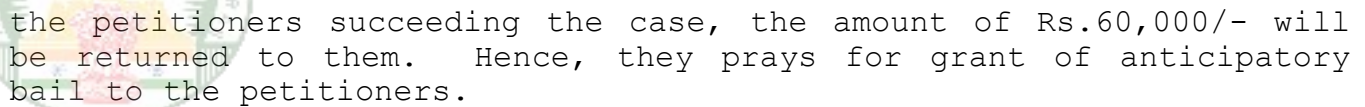
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 294(b), 323, 324, 363, 394 and 506(ii) of IPC. in Crime No.299 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity the petitioners kidnapped the defacto complainant and attacked him and stolen 1.14 grams of gold chain . Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case. The learned counsel, on instructions, would further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount of Rs.60,000/- 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



5. Considering the fact that there is no previous case pending as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

(a) the petitioners shall jointly deposit a sum of Rs.60,000/- (Rupees sixty Thousand Only) to the credit of Crime No.299 of 2021 before learned District Munsif cum Judicial Magistrate, Vazhapady, Salem District, within a period of two weeks from the date of receipt of a copy of this order .On such deposit being made, the learned Magistrate, 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.60,000/- deposited by the petitioners to the credit of Crime No.299 of 2021 will be returned to the petitioners.

(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/-
15/09/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VAZHAPADY, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE
KARIPATTY POLICE STATION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S KARAN AND UDAY Advocate on payment of necessary charges SR.NO.10230

CRL OP.16483/2021

Date :15/09/2021

JPA 27/09/2021