

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Twenty Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18444 of 2020

G.DHANASEKAR

[ PETITIONER / ACCUSED ]

Vs

THE INSPECTOR OF POLICE,  
H-8, THIRUVOTTIYUR POLICE STATION,  
THIRUVOTTIYUR, CHENNAI-19.  
(CRIME NO.5544 OF 2020)

[ RESPONDENT ]

For Petitioner : M/S.J.MUTHU MOHAN Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Section 420 of I.P.C. in Cr.No.5544 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused obtained five sovereigns of gold from the defacto complainant and thereafter, pledged the same and shared the amount received among themselves.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case.

4.The learned Government Advocate submitted that there is one previous case pending as against the petitioner and that the property has been recovered.

5.Considering the facts and circumstances of the case and the fact that the property has been recovered, 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, Thiruvottiyur, Chennai 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)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/-

29/04/2021

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,  
THIRUVOTTIYUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE,  
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,  
H-8, THIRUVOTTIYUR POLICE STATION,  
THIRUVOTTIYUR, CHENNAI - 19.

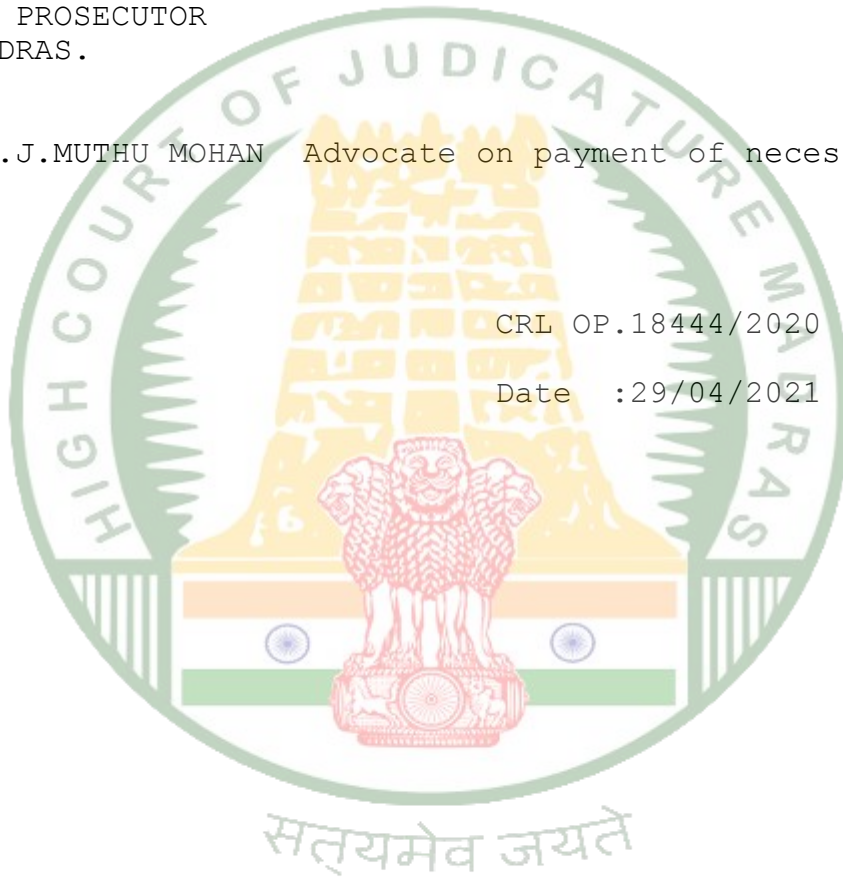
4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S.J.MUTHU MOHAN Advocate on payment of necessary charges

CRL OP.18444/2020

Date :29/04/2021

MN-29/06/2021



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