



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Ninth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17860 of 2021

A.JOHN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CHENGALPATTU TALUK POLICE STATION,
CHENGALPATTU DISTRICT.
CRIME NO.670 OF 2021.

[RESPONDENT]

For Petitioner : M/S. L.RAMU Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

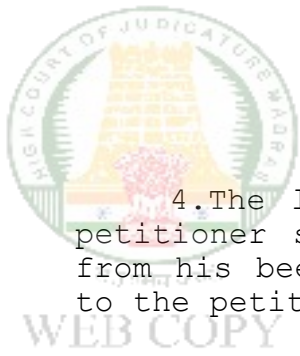
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Section 379, 429 IPC r/w Prevention of Cruelty to Animal Act 1960 in Cr.No.670 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that petitioner and co-accused committed theft of cattle which belongs to defacto complainant and sold the same from the petitioner's beef shop. Hence, the defacto complainant lodged a complaint before the law enforcing agency. Based on which, the law enforcing registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, the learned counsel would submit that the petitioner, on his own volition, is ready and willing to pay the sum of Rs.10,000/- to the defacto complainant, without prejudice to his rights.



4.The learned Government Advocate (Crl.Side) submitted that the petitioner sold the cattle which belongs to the defacto complainant from his beef shop. Hence, he opposed for granting anticipatory bail to the petitioner.

5.Considering the nature of the case and based on the undertaking given by the petitioner to deposit the amount, this Court 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 No.2 Court, Chengalpet, 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 deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.670/2021 on the file of the respondent without prejudice to his defence before the trial Court and on such deposit being made, the concerned Magistrate, after obtaining undertaking from the defacto complainant that if the petitioner succeeds in the case, the said amount would be refunded back to him, shall disburse the amount to the defacto complainant. The concerned Magistrate, shall accept the sureties furnished by the petitioner on such deposit being made and proof filed 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.

-sd/-
29/09/2021

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 JUDICIAL MAGISTRATE,
NO.II, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHENGALPATTU TALUK POLICE STATION,
CHENGALPATTU DISTRICT.

+1 CC to M/S. L.RAMU Advocate on payment of necessary charges
SR.NO.10736

CRL OP.17860/2021

Date :29/09/2021

RW 06/10/2021