



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18702 of 2021

NITHISH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
T-12, PONNAMALLE POLICE STATION,
CHENNAI-600 056.
(CRIME NO.1164/2021)

[RESPONDENT]

For Petitioner : M/S.M.GAYATHRI 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 petitioner, who apprehends arrest for the alleged offence under Sections 149, 447, 294(b), 506(i) and 420 of IPC in Cr.No.1164 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one Kalliappan ran a hotel behind the shop of the defacto complainant at Poonamalle. In order to develop his hotel, he asked the defacto complainant's property, but, the same was refused by the defacto complainant. Further, the defacto complainant approached one Velpandi and asked him a hand loan for a sum of Rs.2,00,000/- for interest, for which he obtained signature in an empty paper for the purpose of security. Further, the petitioner with other accused created a forged documents using the empty stamp paper and unlawfully assembled on 26.06.2021 and entered into the shop of the defacto complainant and damaged the properties, assaulted the defacto complainant and gave life threat to him. Hence, the defacto complainant lodged a complaint against the petitioner. Thereby, the law enforcing agency registered a case against the petitioner.



3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that already this Court had granted anticipatory bail to the co-accused persons in Crl.O.P.No.11787 of 2021 dated 16.07.2021. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submits that the petitioner with other accused persons had entered into the shop of the defacto complainant and damaged the properties and assaulted the defacto complainant and gave life threat to him. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Considering the fact that already this Court had granted anticipatory bail to the co-accused persons, 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-II, Poonamallee, Thiruvallur District**, 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. for a period of two weeks and thereafter, as and when required for interrogation;

(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/-
06/10/2021

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, POONAMALLEE, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-12, PONNAMALLE POLICE STATION,
CHENNAI-600 056.

+1 CC to M/S.M.GAYATHRI Advocate on payment of necessary charges SR.NO.11065

CRL OP.18702/2021

Date :06/10/2021

TA-20/10/2021