



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

Tuesday, the Second day of November Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.20288 of 2021

G. GANDHI

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
J12, KANATHUR POLICE STATION,
CHENNAI.
CRIME.NO.561/2021

[RESPONDENT]

For Petitioner : M/S. S. MICHAEL Advocate

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

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

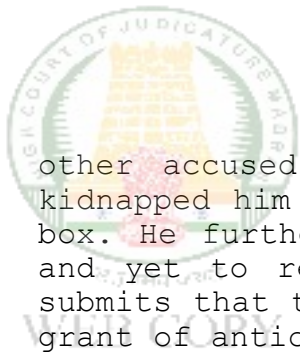
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 147, 148, 452, 364A, 397, 506(ii) r/w. 120 b of IPC in Crime No.561 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant stayed with his family in his Guest House and asked his father to come there and thereafter, the father of the defacto complainant found to be missing. Hence, the defacto complainant lodged a complaint before the law enforcing agency.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. However, on instructions, the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.1,51,000/- to the credit of the crime number. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that accused/A-1 is employed under defacto complainant and A-1 along with



other accused came to the residence of the defacto complainant and kidnapped him and taken away an amount of Rs.1,76,000/- from the cash box. He further submits that a sum of Rs.25,000/- has been recovered and yet to recover the balance amount of Rs.1,51,000/-. He further submits that the investigation is still pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and that the petitioner is ready to deposit a sum of Rs.1,51,000/- to the credit of the crime number, 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 No.II, Alandur 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 shall deposit a sum of Rs.1,51,000/- (Rupees One Lakh Fifty One Thousand Only) to the credit of Crime No.561 of 2021 before learned Judicial Magistrate No.II, Alandur, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his defence and produce the acknowledgment of the same while executing the sureties.

(b)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;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(e)the petitioner 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 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;



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

-sd/-

02/11/2021

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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,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
J12, KANATHUR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+2 CC to M/S. S. MICHAEL Advocate on payment of necessary charges SR.NO.12392

CRL OP.20288/2021

Date :02/11/2021

INBA-18/11/2021