



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of November Two Thousand Twenty One

PRESENT

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.20917 of 2021

1 DEVARAJ
2 SUDHAKAR

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KONDA PALAYAM POLICE STATION,
RANIPET DISTRICT.
(CR.NO.5/2021)

[RESPONDENT]

For Petitioner : M/S.G.P.SIVAKUMAR Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

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

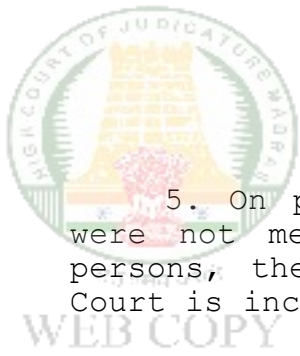
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under sections 457 & 511 of IPC, in Crime No.5 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a supervisor of the TASMAC wine shop, which is located in Ranipet District. It is alleged that the petitioners broke open the TASMAC shop and thereby damaged the shutter and grill gate. Hence the complaint was registered.

3.The learned counsel appearing for the petitioners submits that the petitioners are no way connected with the occurrence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the petitioners name was not mentioned in the FIR. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Public Prosecutor submits that based on the confession of the arrested persons, the petitioners are implicated in this case. However, he opposed grant of anticipatory bail to the petitioners.



5. On perusal of FIR reveals that the name of the petitioners were not mentioned. Based on the confession the of the arrested persons, the petitioners were implicated in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the *Judicial Magistrate - Sholinghur* on condition that the petitioners 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 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;

(b) the petitioners shall appear 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 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;

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

-sd/-
08/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY



TO

1 THE JUDICIAL MAGISTRATE,
SHOLINGHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KONDA PALAYAM POLICE STATION,
RANIPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.G.P.SIVAKUMAR Advocate on payment of necessary
charges SR.NO.12512

CRL OP.20917/2021

Date :08/11/2021

CSK 12/11/2021