



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.22094 of 2021

A.Murugan

... Petitioner

Versus

State represented by,
The Inspector of Police,
Milk Colony Police Station,
Madhavaram, Chennai District.
(Crime No:204 of 2019)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.204 of 2019 on the file of the respondent police pending investigation.

For Petitioner : Mr.K.Karthik

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 379, 430 of IPC, in Crime No.204 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that defacto complainant alleged that the petitioner has illegally got an land water in TN 05 W 1746, TN 05 AK 7799, TN 21 AN 1675 at Madhavaram. Hence, the complaint.

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. In the event of arrest, the petitioner moved to first anticipatory bail petition before this Hon'ble Court in Crl.O.P.No.6842 of 2021 and the



same was ordered on 08.04.2021. But, due to Covid-19 pandemic situation petitioner was unable to arrange the deposit amount in time and unable to surrender and furnish two sureties before the concerned magistrate as ordered by this Hon'ble Court within 15 days from the date of receipt of copy of this order. Hence, he prays for grant of 2nd anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate at Tiruvottriyur, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.5000/- (Rupees Five Thousand only) to the credit of the Tamilnadu Advocate Clerk Association, Chennai within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner is directed to report before the respondent police every Saturday 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

23/11/2021

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,
TIRUVOTTRIYUR, THIRUVALLUR DISTRICT.

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

3 THE INSPECTOR OF POLICE,
MILK COLONY POLICE STATION,
MADHAVARAM, CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE TAMILNADU ADVOCATE
CLERK ASSOCIATION, CHENNAI.

+1 CC to M/S.K.KARTHIK Advocate on payment of necessary charges
SR.NO.13246

CRL OP.22094/2021

Date :23/11/2021

RW 26/11/2021