



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

WEB COPY

CORAM:

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

Cr1.O.P.No.22465 of 2021

S.Senniyangiri Ramesh

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Erode North Police Station,
Erode.
(Crime No.644 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in the event on his arrest in crime No.644 of 2021, on the file of the respondent police.

For petitioners : Mr.L.P.Shanmugasundaram

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 380 of IPC, in Crime No.644 of 2021, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that there were missing of case bundles in the Court of learned Judicial Magistrate (FTC-II), Erode. The defacto complainant is the head clerk of learned Judicial Magistrate (FTC-II), Erode, viz., Vasanthi. The defacto complainant filed written complaint with respondent police that the case bundle was missing on 11.10.2021. On the said date, the deposition of petitioner herein was recorded, since he is the witness in the said case. The defacto complainant has stated in the written complaint that the accused Senniyangiri, the petitioner and another one Mrs.Kavitha, the Advocate Clerk were responsible for missing of the case bundles. Hence, the complaint. On the basis of the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioner.



4. The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. Hence, he seeks for grant of anticipatory bail to the petitioner.

(*) 5. The learned Government Advocate (Crl. Side) would submit that the investigation is almost completed and as per confession of A4, the accused damaged the case bundle and thrown it into the garbage and that the other accused are still absconding.

6. Taking into consideration, the nature of offence and the submissions made by both the Counsels, I am inclined to grant *anticipatory bail to the petitioner on certain conditions;*

7. Accordingly, the petitioner is 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 learned Judicial Magistrate No.I, Erode, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

[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 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].



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

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-sd/-

26/11/2021

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.

(*)Being Mentioned as per order of this Court dated 07/12/2021 made in CRL.OP.NO.22465/2021

TO

1 THE JUDICIAL MAGISTRATE (FAST TRACK COURT)-II,
ERODE.

2 THE JUDICIAL MAGISTRATE,
NO.I, ERODE.

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
ERODE NORTH POLICE STATION,
ERODE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. L.P.SHANMUGASUNDARAM Advocate on payment of
necessary charges

CRL OP.22465/2021

Date :26/11/2021

CSK 01/12/2021

CSK 17/12/2021