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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23104 of 2021

G.P.Giri

... Petitioner

Versus

The State represented by
The Inspector of Police,
Crime Branch CID Metro Wing,
Egmore, Chennai - 08.
(Crime No.4 of 2021)

... 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.4 of 2021 on the file of the respondent.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 323, 347, 384 and 420 of IPC in Crime No.4 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that during the year 2019 the defacto complainant was taken to Thirumangalam Police Station and was threatened by the Inspector of Police in the presence of A3 and A4 and other police officials. The defacto complainant was forced to transfer the property to A3, however the same has been prevented due to the intervention of the advocates. Further alleged that by threatening and force transferred the property in the name of A1. Hence this case.

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. He further submitted that the petitioner has employed as Police



Constable and he was in service without any black marks. The documents were executed in the year 2019 were no way connected with the alleged offences. Hence, he prays for grant of anticipatory bail.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that apart from these petitioners 6 police persons were involved in this case. All of them were still absconding. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, documents in the year of 2019 and he is police, no possibility of absconding, 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 CCB & CBCID Special Court, Egmore, Chennai**, 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 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;

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

(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.

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-sd/-
08/12/2021

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 CCB AND CBCID SPECIAL COURT,
EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATE REPBY
CRIME BRANCH C.I.D. METRO WING,
EGMORE, CHENNAI-08.

+1 CC to M/S.S.SIVAKUMAR Advocate on payment of necessary charges SR.NO.14332

CRL OP.23104/2021

Date :08/12/2021

TA-13/12/2021