



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

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CORAM:

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

Crl.O.P.No.23359 of 2021

Nithya @ Nithya anand

.. Petitioner

Vs.

The State Represented By
The Inspector of Police,
N-2, Kasimedu Police Station,
Royapuram,
Chennai - 600 013,
(Crime No.763 of 2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest concerned in crime No.763 of 2021, on the file of the respondent police.

For Petitioner : Mr.D.Sugumar

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 380, 392, and 457 of IPC in Crime No.763 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that some people followed the defacto complainant, then he reached his house and closed his room with his mother and some person knocked the door suddenly, the defacto complainant and his mother shouted, knocking was stopped, after they came out of the room, they found that samsung phone, PEL cellphone and Rs.5000/- was missed. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.side) raising objection stating that A1,A2, and A3 were remanded in jail and further states that investigation almost completed. Hence, he vehemently opposed the grant of bail.

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5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that investigation is almost completed, 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 XVI Metropolitan Magistrate, George Town, 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 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.

[b] the petitioner is directed to report before the respondent police on every Wednesday at 10.30 P.m., for a period of four weeks thereafter 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 has 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];**



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

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-sd/-
06/12/2021

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XVI, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
N-2, KASIMEDU POLICE STATION,
ROYAPURAM, CHENNAI-600 013.

CC to M/S.D.SUGUMAR Advocate on payment of necessary charges

CRL OP.23359/2021

Date :06/12/2021

TA-29/12/2021