



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24356 of 2021

Kathiresan

... Petitioner

Versus

State represented by
The Sub Inspector of Police,
Vikkiramangalam Police Station,
Ariyalur District.
(Crime No.68 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to grant anticipatory bail to the petitioner in the event of arrest in Crime No.68 of 2021 on the file of the Sub Inspector of Police, Vikkiramangalam Police Station, Ariyalur District.

For Petitioner : Mr.R.Subramaniyan

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 Sections 294(b), 323, 506(i) of IPC in Crime No.68 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that there is no motive at all for which the defacto complainant, due to wrong word between them used and made the wordy quarrels, there is no previous motive between them. The petitioner is hailing from decent, respectable family and never involved in the alleged offence. The petitioner name is falsely, vexatious implicated by the respondent police in this case. The allegation that the petitioner was transporting the 3 cement bags sand by two wheeler bike. 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. Hence, he prays for grant of anticipatory bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner illegally transported 3 cement bags sand without permission. 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 No.I at Jayankondam, 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.3,000/- (Rupees Three Thousand only) to the credit of the Registered Advocate Clerk Association, Ariyalur District 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 Wednesday 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 anticipatory 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.

WEB COPY

-sd/-

15/12/2021

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 JUDICIAL MAGISTRATE,
NO.I, JAYANKONDAM

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
VIKKIRAMANGALAM POLICE STATION,
ARIYALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE
CLERK ASSOCIATION,
ARIYALUR DISTRICT.

CC to M/S.R.SUBRAMANIYAN Advocate on payment of necessary
charges Sr.15015

CRL OP.24356/2021

Date :15/12/2021

RVR 20/12/2021