



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.24546 of 2021

UMA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
MANALMEDU POLICE STATION,
NAGAPATTINAM DISTRICT
(CRIME NO.421/2020)

[RESPONDENT]

For Petitioner : M/S G.GAYATHRI Advocate

For Respondent : MR. S.BALAJI, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 448 and 506 (ii) of IPC in Crime No.421 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with others tried to assault the defacto complainant and thereby threatened him. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner was implicated earlier in Crime No.88 of 2020. This Court granted anticipatory bail to the petitioner in Crl.OP.No.17863 of 2021 imposed a condition that the petitioner shall not tamper with the evidence or witness during investigation or trial. The petitioner is innocent and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. A1 and



A2 have already granted by this court in Crl.OP.No.24321 of 2021. Hence, the learned counsel prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate submitted that this is the third anticipatory bail application of the petitioner and co-accused have already enlarged on bail by this Court and hence he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the allegations and also the fact that the co-accused have already released on bail by this Court and in view of the change of circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Mayiladuthurai, on condition that the petitioners shall execute separate 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 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 Court concerned 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. For a period of two weeks and thereafter, as and when required for interrogation;

(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.

WEB COPY

-sd/-

21/12/2021

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,
MAYILADUTHURAI.

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

3 THE INSPECTOR OF POLICE,
MANALMEDU POLICE STATION,
NAGAPATTINAM DISTRICT .

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S G.GAYATHRI Advocate on payment of necessary charges
SR.NO.15575

CRL OP.24546/2021

Date :21/12/2021

RW 28/12/2021