



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24262 of 2021

Anandan @ Goyakka

... Petitioner

Versus

State represented by,
The Inspector of Police,
E-8, Kelambakkam Police Station,
Chennai District.
(Crime No.4 of 2011)

... 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 apprehension of arrest in S.C.No.147 of 2011 pending on the file of learned Additional District Court, Chengalpattu in Crime No.4 of 2011 on the file of the respondent.

For Petitioner : Mr.P.Muthamizh Selvakumar

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

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 147, 148, 363, 341 r/w 302 of IPC, in S.C.No.147 of 2011 in Crime No.4 of 2011 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that after registering the case the respondent had completed the investigation and file the final report before the learned Judicial Magistrate Court - Alandur and the same was taken on file of PRC and thereafter the committal proceedings were over. After the committal proceedings the case was taken by the learned Additional District Judge, Chengalpattu District and the same was taken on the file of S.C.No.147 of 2011 and the same was pending. 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 Additional Public Prosecutor appearing for the respondent submitted that the investigation completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional District Judge, Chengalpattu District, 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 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 is directed to surrender before the trial Court i.e., learned Additional District Judge, Chengalpattu District and file a petition under Section 70(2) of Cr.P.C., to recall the non bailable warrant.

(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.

-sd/-

14/12/2021

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

TRUE COPY



1 THE ADDITIONAL DISTRICT JUDGE,
CHENGALPATTU DISTRICT.

2 THE JUDICIAL MAGISTRATE,
ALANDUR.

3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
E-8, KELAMBAKKAM POLICE STATION,
CHENNAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. P.MUTHAMIZH SELVAKUMAR Advocate on payment of
necessary charges SR.NO.14676

CRL OP.24262/2021

Date :14/12/2021

CSK 17/12/2021