



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM:

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

Cr1.O.P.No.76 of 2022

Ayyappan

.. Petitioner

Vs.

The State, rep by
The Inspector of Police
T-11, Thirunindravur Police Station,
Chennai-602 024.
Crime No.1235 of 2021

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to grant anticipatory bail in the event of his arrest in Crime No.1235 of 2021 on the file of T-11, Thirunindravur Police Station, Chennai-602 024..

For Petitioner : Mr.V.Jayachandran

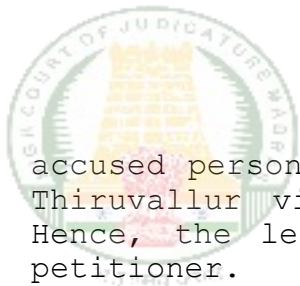
For Respondent : Mr.N.S.Suganthan,
Government Advocate (Cr1.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 341, 323, 397 and 506(ii) of IPC in Crime No.1235 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 27.11.2021 at about 10a.m., when the defacto complainant who is an auto driver was coming in his auto near Nadukuthagai junction, the petitioner along with other accused way laid him and robbed Rs.3200/- at knife point. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not been committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, he submits that the petitioner is ready and willing to pay a sum of Rs.10,000/- to any Charitable purpose as may be directed by this Court. He further submits that one of the co-



accused persons was released on bail by the Principal District Court, Thiruvallur vide order dated 23.12.2021 in CrI.MP.No.5531 of 2021. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.Side) submits that totally there are three accused persons involved in this case and the petitioner is A1. When the defacto complainant who is an auto driver was coming in his auto near Nadukuthagai junction, the petitioner along with other accused way laid him and robbed Rs.3200/- at knife point. He further submits that the investigation was almost completed and there is one previous pending as against the petitioner.

5. Considering the fact that the investigation was almost completed and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, this Court is 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 his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate -II, Thiruvallur 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the Registered Advocate Clerks Association, Thiruvallur within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall report before the respondent police on Wednesday at 10.30p.m for a period of four weeks and thereafter as and when required for an interrogation;

[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 has been imposed and the petitioner is 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

06/01/2022

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-II,
THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
T-11, THIRUNINDRAVUR POLICE STATION,
CHENNAI-602 024.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
THIRUVALLUR.

+1 CC to M/S.V.JAYACHANDRAN Advocate on payment of necessary charges SR.NO.388

CRL OP.76/2022

Date :06/01/2022

INBA-19/01/2022