



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

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

CrI.O.P.No.1467 of 2022

1.K.Moses @ Sanjay
2.M.Muthukumar

.. Petitioners

Vs.

The State represented by
The Inspector of Police,
F-3 Nungambakkam Police Station,
Chennai.
(Crime No.804 of 2021)

...Respondent/complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on Anticipatory Bail in the event of their arrest in Crime No.804 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.v.Ramanareddy

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 323, 387 and 506(ii) of IPC in Crime No.804 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners attacked the defacto complainant and robbed a sum of Rs.750 and threatened him with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioners are an innocent persons and they have not committed any offence as alleged by the prosecution. He prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent opposed for granting anticipatory bail to the petitioners



by stating that the petitioners robbed a sum of Rs.750/- from the defacto complainant. He further submitted that they have no previous case against them.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioners have no previous case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioner are ordered to be released on bail in the event of arrest or their 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 XIV Metropolitan Magistrate, Egmore, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners 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 petitioners shall report before the respondent police on Monday and Wednesday at 10.30 a.m for a period of four weeks and thereafter as and when required for an interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 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 petitioners in accordance with law as if the conditions has been imposed and the petitioners are 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/-

25/01/2022

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 XIV METROPOLITAN MAGISTRATE
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE
F-3, NUNGAMBAKKAM POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. V.RAMANAREDDY Advocate on payment of necessary
charges Sr.1140

CRL OP.1467/2022

Date :25/01/2022

RVR 03/02/2022