



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.1536 of 2022

Kaviyarasu @ Kaviyaran

... Petitioner

Vs.

The Inspector of Police,
Mecheri Police Station,
Salem District.
(Crime No.3 of 2022

... Respondent/complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to grant anticipatory bail to the petitioner in the event of his arrest by the respondent police in Cr.No.3 of 2022 now pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Mariappan

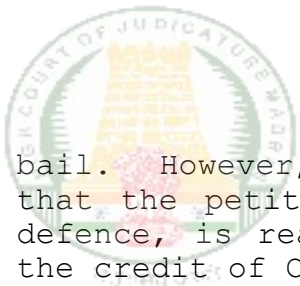
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 342, 294(b), 324, 506(ii) & 379 (NH) of IPC in Crime No.3 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity on 01.01.2022, the petitioner and the other accused scolded the defacto complainant with filthy language and assaulted him with iron rod and picked a sum of Rs. 2,23,000/- from him and a sum of Rs.85,000/- illegally transferred to his account through google pay and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he is no way connected in this case. He further submitted that the A1 and A2 already released on



bail. However, on instructions, the learned counsel further submits that the petitioner, on her own volition, without prejudice to her defence, is ready and willing to contribute a sum of Rs.20,000/- to the credit of Crime. Hence, he prays for grant.

4. The learned Additional Public Prosecutor raised objection stating that the petitioner along with other accused picked Rs. 2,23,000/- and a sum of Rs.85,000/- illegally transferred to his account through google pay from the defacto complainant. He further submitted that a sum of Rs.85,000/- recovered from them and the remaining money not yet recovered and the A1 and A2 already released on bail.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the fact that the A1 and A2 have already released on bail, 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Mettur, on such deposit 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.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.3 of 2022 before the concerned Magistrate within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.20,000/- on proper identification and acknowledgment;

[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 Tuesday at 10.30 a.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/-
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 THE JUDICIAL MAGISTRATE
NO.II, METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.MARIAPPAN Advocate on payment of necessary charges SR.NO.1153

CRL OP.1536/2022

Date :25/01/2022

JPA 15/02/2022