



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1650 of 2022

M.Suresh

... Petitioner

Versus

The State represented by its
The Inspector of Police,
Bommidi Police Station,
Dharmapuri District.
(Crime No.69 of 2021)

... 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 his arrest in Unknown Crime No.69 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.Ilayaperumal

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 397 of IPC in Crime No.69 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 18.03.2021 two unknown persons wearing mask have come and restrained the defacto complainant and when the defacto complainant tried to see them, at that time the another person has tied the defacto complainant and dragged and placed him before a house at western side, at that time another person has place a knife on the defacto complainant throat and threatened him not to make any noise or sound and if so he will slit his throat and another person has tied the defacto complainant hands and legs with cloth and thereafter one among them hold the defacto complainant's right hand tried to amputate his thumb, middle and index fingers by cutting it off and bleeding was caused and the defacto complainant also shouted in pain. Another person who came from the corridor has restrained the defacto complainant's wife and placed knife on his wife throat and threatened them to kill and thereafter one person was holding the defacto complainant and three persons including the person holding the defacto complainant's wife



has opened the locker (berow) and taken jewels, cash and phone. Further it is alleged that total robbed material worth was Rs.4,50,000/- and after robbing the above persons have left the place by taking the knife through their motorcycle. Hence the case.

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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 total robbed material worth was Rs.4,50,000/- and 1 previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed 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, Pappireddipatti, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of the Crime No.69 of 2021 and the defacto complainant is permitted to withdraw within a period of two weeks from the date of receipt of a copy of this order 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner is directed to report before the respondent police daily twice at 10.30 a.m., and 5.00 p.m., until further orders;

[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 have been imposed and the petitioner released on anticipatory 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

27/01/2022

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
PAPPIREDDIPATTI

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
BOMMIDI POLICE STATION,
DHARMAPURI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S A.ILAYAPERUMAL Advocate on payment of necessary charges Sr.1262

CRL OP.1650/2022

Date :27/01/2022

RVR 01/02/2022