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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1732 of 2022

Sathyakumar

... Petitioner

Versus

The Inspector of Police,  
Sunguvaarchathiram Police Station,  
Kancheepuram District.  
(Crime No.792 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 by the respondent police in Crime No.792 of 2021 on the file of the respondent police.

For Petitioner : Mr.P.Balamurugan

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

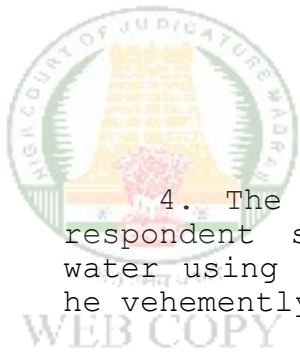
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O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 430 and 379 of IPC in Crime No.792 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally extracted water using deep bore motor from his land in his vehicle. On 19.01.2022 when he was away from his house and to his shock and surprise he learnt from the neighbours that some officials from the respondent police station had come to his house in search of the petitioner for the alleged offence. Hence, the complaint.

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 petitioner had illegally extracted water using deep bore motor from his land in his vehicle. 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 her 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, Sriperumbudur, Kancheepuram 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) 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;

(b) the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., until further orders and the petitioner shall file affidavit before the trial Court;

(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.

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-sd/-

27/01/2022

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,  
SRIPERUMBUDUR, KANCHEEPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE  
SUNGUVAARCHATHIRAM POLICE STATION,  
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.P.BALAMURUGAN Advocate on payment of necessary charges SR.NO.1263

CRL OP.1732/2022

Date :27/01/2022

RW 01/02/2022