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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

Crl.O.P.No.2068 of 2022

D.Rajasekar

.. Petitioner

Vs.

State represented by  
Inspector of Police,  
Koovathur Police Station,  
Kancheepuram District.  
C.C.No.138of 2009

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in C.C.No.138 of 2009 on the file of the respondent police.

For Petitioner : Mr. V.G.Anbarasu

For Respondent : Mr. A.Gokulakrishanan  
Additional Public Prosecutor

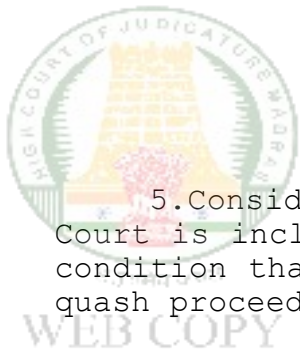
ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 467 and 471 of I.P.C, in C.C.No. 138 of 2009, on the file of the respondent police, seeks anticipatory bail.

2. When the matter is came up for hearing, the learned counsel appearing for the petitioner submits that the trial Court issued NBW against the petitioner in C.C.No.138 of 2009. But he submitted that already C.C.No.138 of 2009 was quashed by this Court in Crl.O.P.No.23919 of 2010 dated 23.06.2017. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor opposed for grant of anticipatory bail to the petitioner stating that the petitioner is not a party in the quash proceedings.



5.Considering the facts and circumstances of the case , this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner is directed to verify the status of the quash proceedings.

7.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 District Munsiff cum Judicial Magistrate at Thirukalikundram, 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 and on further condition that:

[a] 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;

[b] the petitioner shall appear before the respondent police daily at 10.30.am., until further orders.

[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 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;



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

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-sd/-  
02/02/2022

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
THRUKALIKUNDRAM, KANCHEEPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S.V.G.ANBARASU Advocate on payment of necessary charges SR.No.1778

CRL OP.2068/2022

Date :02/02/2022

CSK 10/02/2022