



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM:

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

Crl.O.P.No.2023 of 2022

Surya

...Petitioner

Vs.

State Rep by  
The Inspector of Police  
Kothavalchavadi Police Station,  
Chennai District.  
(Crime No.261 of 2021)

... Respondent

**Prayer:** Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of arrest in the hands of respondent police in Crime No.261 of 2021 on the file of the Kothavalchavadi Police Station, Chennai District.

For Petitioner : T.Ganesan

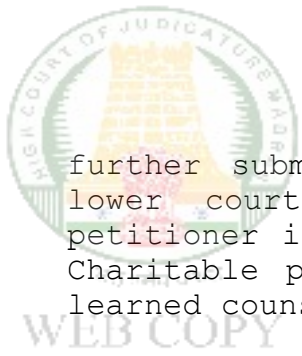
For Respondent : Mr.N.S.Suganthan,  
Government Advocate (Crl.Side)

### ORDER

The petitioner, who apprehend arrest for the alleged offence under Section 341, 294(b), 324 and 506(2) of IPC in Crime No.261 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a Whole Sale Groceries business along with his son. He supplied turmeric to one Yusup and on 11.12.2021, while he returned to his house after collecting some amount and cheques, four unknown persons taken the money and cheques from him and On 27.12.2021, 4 unknown persons entered into their Godown and abused him in filthy language and attacked the defacto complainant with knife and also threatened him with dire consequences, thereby, the defacto complainant sustained injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not been committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He



further submits that the co-accused were enlarged on bail by the lower court. However, on instructions, he submits that the petitioner is ready and willing to pay a sum of **Rs.10,000/-** to any Charitable purpose as may be directed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that the injured has discharged from the hospital. the investigation was almost completed.

5. Considering the fact that the investigation was almost completed, the injured has discharged from the hospital and the co-accused were enlarged on bail and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of **Rs.10,000/-** for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioner.

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 VIII Metropolitan Magistrate, George Town, Chennai** 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 shall make a non-refundable deposit of **Rs.10,000/- (Rupees Ten thousand only)** to the credit of **DHANABAKKIAMMAL SOCIAL WELFARE TRUST, D-3, 1/338, Vasantham Apartment, Sabari Salai, Madipakkam, Chennai-91, A/c No.921010003441816, Axis Bank, Madipakkam Branch, IFSC Code:UTIB0000083, Mobile No.9840894264** within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier 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 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 every Wednesday at 10.30p.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 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/-

01/02/2022

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 VIII METROPOLITAN MAGISTRATE,  
GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,  
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
KOTHAVALCHAVADI POLICE STATION,  
CHENNAI DISTRICT.

5 THE DHANABAKKIAMMAL SOCIAL WELFARE TRUST, D-  
3, 1/338, VASANTHAM APARTMENT, SABARI SALAI,  
MADIPAKKAM, CHENNAI-91,  
A/C NO.921010003441816, AXIS BANK,  
MADIPAKKAM BRANCH, IFSC CODE:UTIB0000083,  
MOBILE NO.9840894264

CC to D.MAGESH Advocate on payment of necessary charges

CRL OP.2023/2022

Date :01/02/2022

TA-16/02/2022