



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Tenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.2799 of 2022

1 SURESH
2 AMALI JASMIN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
PUTHUR POLICE STATION,
CUDDALORE DISTRICT.
CRIME NO.26 OF 2022.

[RESPONDENT]

For Petitioners : M/S.S.PERIASAMY Advocate

For Respondent : MR.S.S.SANTHOSH, Govt. Advocate (Crl. Side)

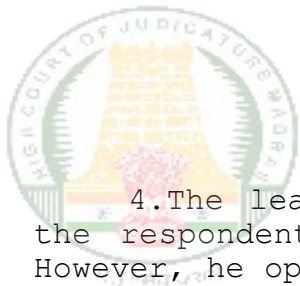
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 420, 506(ii) of IPC in Crime No.26 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner has collected a sum of Rs.1,50,000/- from the defacto complainant for obtaining a job to the defacto complainant's brother. But, they have neither obtained a job to the defacto complainant's brother nor returned the money. When the same was questioned by the defacto complainant, the petitioners had threatened him. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have no way connected with the offences as alleged by the prosecution. He further submitted that they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the investigation is pending. However, he opposed for grant of anticipatory bail to the petitioners.

5. The submissions made by the learned Counsels appearing on either side are considered. It is the case registered for the occurrence happened in the month of February, 2016. The averments found in the FIR does not show any reason as to why the defacto complainant has not lodged a complaint immediately after the occurrence.

6.Taking all the above aspects into consideration, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate, Kattumannarkovil, Cuddalore District on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each, 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

WEB COPY

-sd/-
10/02/2022

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 JUDICIAL MAGISTRATE,
KATTUMANNARKOVIL, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
PUTHUR POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.PERIASAMY Advocate on payment of necessary charges

CRL OP.2799/2022

Date :10/02/2022

JPA 16/02/2022