



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Second day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.3397 of 2022

AND CRL.M.P.NO.2220 of 2022

ANDREWS CALDWELL

[PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE,
PALLIKARANAI POLICE STATION,
CHENNAI
CRIME NO.112 OF 2022

[RESPONDENT]

SHEEBA

[PETITIONER / INTERVENER]

[ORDERED AS PER ORDER OF THIS COURT DATED 02.03.2022 IN
CRL.MP.2220/2022 IN CRL.O.P.NO.3397/2022]

For Petitioner : M/S.S.ARIVAZHAGAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest by the respondent police for the offences punishable under Sections 376 & 406 of IPC in Crime No. 112 of 2022 is before this Court seeking anticipatory bail.

2. Heard the learned counsel appearing for the petitioner, learned Government Advocate (Crl. Side) appearing for the respondent Police and the learned counsel appearing for the intervener.

3. The First Information Report registered by the respondent police indicates that the defacto complainant herein, who was living in abroad, come down to India and while settling her life in India,



she had contact with the petitioner herein who supported her to sought out some dispute pertaining to her land in Padur. Later on she has alleged that she was taken control by the petitioner herein by placing surveillance and also propagated that she has married to the petitioner herein. Hence the complaint was registered by the respondent Police under Sections 376 & 406 of IPC.

4. Learned Government Advocate (Crl. Side) submits that the defacto complainant was asked to give her statement under Section 164 of Cr.P.C., before the Magistrate. It is reported that due to her ill health today only 164 statement is being recorded before the learned Judicial Magistrate.

5. In the light of the fact that the statement of the defacto complainant by the Magistrate is recorded, there is no impediment for the investigation, if the petitioner is released on anticipatory bail. Considering the above fact, 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 seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate II, Alandur, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only), with two sureties, each for a like sum to the satisfaction of the learned Magistrate, failing which, the anticipatory bail shall stand canceled 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 report before the Investigation Officer as and when required.

(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.

WEB COPY

-sd/-
02/03/2022

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,
NO.II, ALANDUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
PALLIKARANAI POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.ARIVAZHAGAN Advocate on payment of necessary
charges SR.NO.3235

+1 CC to M/S.R.NALLIYAPPAN, Advocate on payment of necessary
charges SR.NO.3401

CRL OP.3397/2022
AND CRL.M.P.NO.2220 of 2022

Date :02/03/2022

JPA 09/03/2022