



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3857 of 2022

1 PRAKASH @ PRAKASH RAJU [PETITIONERS / ACCUSED]
2 KALI @ KALIDASS
3 SELVAM

Vs

THE STATE REP BY [RESPONDENT]
THE SUB INSPECTOR OF POLICE,
KANAGAMACHITRAM POLICE STATION,
TIRUVALLUR DISTRICT.
(CRIME NO.33/2022)

For Petitioner : M/S.A.SASIKUMAR Advocate

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

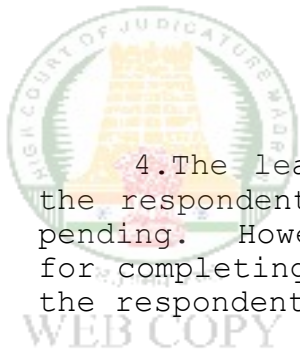
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 457 and 380 of IPC in Crime No.33 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that one, Karthikeyan claiming to be the Area Manager of Rafoll Company in the year 2020-2021, along with the petitioners on 03.02.2022 attempted to remove the materials from the Rafoll Company, and also attempted to load the same in a lorry. Hence the complaint was registered by the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He would further submit that the petitioners have been falsely implicated in this case and they are no way connected with the alleged occurrence. Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that investigation is pending. However he admits the material objects which are necessary for completing investigation are recovered and they are in custody of the respondent police.

5. Submissions made by the learned Counsel appearing on either side are considered.

6.The respondent police registered a case against the petitioners for the offence punishable under Sections 457 and 380 of IPC. Admittedly, the properties which are required for completing the investigation have already been recovered by the respondent police.

7.Taking note of all the above said aspects into consideration and having regard to the nature of the offence committed by the petitioners, this Court came to the conclusion that for completion of investigation, custodial interrogation of the petitioners may not be necessary in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

8.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 Court, Tiruttani, 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 his 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 10.00 a.m., for a period of 30 days and thereafter, as and when required for investigation.

(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 themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

WEB COPY

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/02/2022

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,
TIRUTTANI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
KANAGAMACHITRAM POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.A.SASIKUMAR Advocate on payment of necessary
charges SR.No.2542

CRL OP.3857/2022

Date :17/02/2022

CSK 22/02/2022