



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.3881 of 2022

1 ILAMARAN [PETITIONERS / ACCUSED]
2 BALAMURUGAN

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
SHEVAPET POLICE STATION,
SALEM CITY,
SALEM DISTRICT.
CRIME NO.575 OF 2021.

For Petitioner : M/S. D.ARUN 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 294(b), 387 and 506(ii) of IPC, in Crime No.575 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and another accused came to the shop where the defacto complainant is working and introduced themselves as members in a political party, later they demanded a sum of Rs.25,000/- and afterwards abused and threatened the defacto complainant with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of Anticipatory Bail to the petitioners.



4. Mr.S.Santhosh, learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the investigation is almost completed and the petitioners have no previous cases. However, he opposed for grant of anticipatory bail to the petitioners.

5. The submissions made by the learned counsel on either side are considered.

6. The respondent police registered a case against the petitioners for the offences punishable under Sections 294(b), 387 and 506(ii) of IPC. Considering the fact that the offence committed by the petitioners are not severe and the petitioners are the first offenders, the custodial interrogation of the petitioners may not be necessary for completing investigation in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

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 Court No.III, Salem**, 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 15 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;



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

-sd/-

17/02/2022

WEB COPY

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.III, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SHEVAPET POLICE STATION,
SALEM CITY,
SALEM DISTRICT.

+1 CC to M/S. D.ARUN Advocate on payment of necessary charges
SR.NO.2493

CRL OP.3881/2022

Date :17/02/2022

TA-22/02/2022