



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3919 of 2022

E.KARTHICK

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
R-6, KUMARAN NAGAR,
CHENNAI DISTRICT.
CR.NO.4 OF 2022.

[RESPONDENT]

For Petitioner : M/S. K.KANNAN Advocate

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

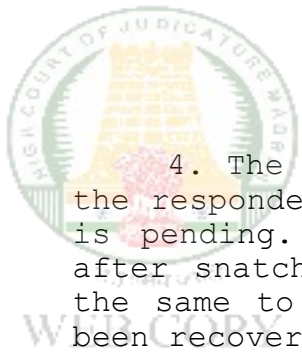
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections **392 of IPC**, in Crime No.4 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to money dispute, the petitioner and other accused assaulted the defacto complainant and also robbed his 1¼ sovereign gold chain and two wheeler. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that based on the confession statement given by the accused 1 & 2, the respondent police attempted to secure the petitioner, who is arrayed as A3. It is his specific submission that the petitioner is the first offender and he is ready to abide any conditions imposed by this Court. He further submits that now the petitioner is willing to deposit Rs.30,000/- towards the value of the stolen property. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that the investigation is pending. According to him, during the relevant point of time, after snatching the 1¼ sovereign gold chain, A1 and A2 handed over the same to the present petitioner and as of now, the same has not been recovered.

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

6. The respondent police registered a case against the petitioner for the offence punishable under Section 392 of IPC. The averments found in the First Information Report would show that during the time of occurrence, four unknown persons after pulling the defacto complainant, assaulted and stolen away 1¼ sovereign gold chain and two wheeler. Though the said property is not recovered, the petitioner is willing to deposit Rs.30,000/- towards the value of the stolen property.

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

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **XXIII Metropolitan Magistrate, Saidapet**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Cr.No.4 of 2022 (on the file of the respondent police) before the learned **XXIII Metropolitan Magistrate, Saidapet**, under necessary receipt. The above deposit is made without prejudice to his defence before the trial court and the petitioner shall submit proof of deposit of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner;



(c) the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders.

(d) 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.

-sd/-

24/02/2022

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 METROPOLITAN MAGISTRATE,
NO.XXIII, SAIDAPET, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-6, KUMARAN NAGAR,
CHENNAI DISTRICT.

+2 CC to M/S. K.KANNAN Advocate on payment of necessary charges
SR.NO.2863

CRL OP.3919/2022

Date :24/02/2022

TA-02/03/2022