



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Third day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.4412 of 2022

KANICKAIRAJ

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
P-5, M.K.B.NAGAR POLICE STATION,
CHENNAI DISTRICT.
CRIME NO.1458 OF 2021.

[RESPONDENT]

For Petitioner : M/S.C.V.KUMAR Advocate

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

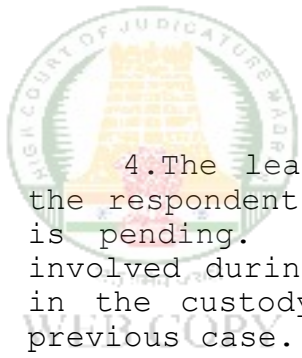
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Section 328 of IPC in Crime No.1458 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the respondent police along with his subordinates were in regular patrol, they found that the petitioner was in illegal possession of banned Tobacco products weighing 800 grams. Hence, the complaint was registered by the respondent Police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offences as alleged by the prosecution. He further submitted that he has been falsely implicated in this case and he is no way connected with the alleged occurrence. Hence, he pleads 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. He also submits that the properties which are all involved during the alleged occurrence have been recovered and it is in the custody of the respondent police and the petitioner has no previous case.

5.Submissions made by the learned counsels appearing on either sides are considered.

6. The respondent police registered a case against the petitioner for the offence punishable under Section 328 of IPC. Admittedly, the properties which are required for completing the investigation have already been recovered by the respondent police. Further that the petitioner is a first offender.

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.

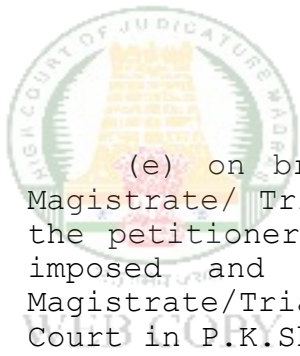
8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned X Metropolitan Magistrate, Egmore, Chennai- 600 008, on condition that the petitioner shall 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 shall report before the respondent police daily at 10.00 a.m., for a period of fifteen (15) days and thereafter as and when required for interrogation.

(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.

-sd/-
23/02/2022

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.X, EGMORE, CHENNAI-600 008

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

3 THE INSPECTOR OF POLICE,
P-5, M.K.B.NAGAR POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.V.KUMAR Advocate on payment of necessary charges
SR.NO.2811

CRL OP.4412/2022

Date :23/02/2022

JPA 25/02/2022