



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Twenty Fifth day of February Two Thousand Twenty Two

PRESENT

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.4590 of 2022

AADHI @ MUNUSAMY

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VISHNU KANCHI POLICE STATION,
KANCHEEPURAM DISTRICT.
(CRIME NO.1586 OF 2021)

[RESPONDENT]

For Petitioner : M/S C.P.R.KAMARAJ Advocate

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

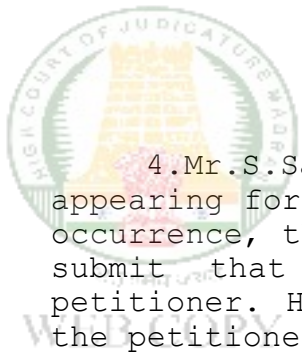
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 294b & 506(ii) of IPC., in Crime No.1586 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 05.08.2021, due to previous enmity, the petitioner abused the defacto complainant in filthy language and also threatened her with dire consequence. Hence, the complaint.

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 submits that due to previous dispute, this false case has been foisted as against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.



4.Mr.S.Santhosh, learned Government Advocate (Criminal Side) appearing for the respondent police would submit that in the alleged occurrence, the defacto complainant is not injured. He would further submit that there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

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

6. The respondent police registered a case against the petitioner for the offences punishable under Section 294b & 506(ii) of IPC. The submissions made by the learned Government Advocate (crl.side) reveal the fact that the defacto complainant sustained no injury in the alleged occurrence. Hence, custodial interrogation of the petitioner may not be necessary for completing investigation in this case. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7.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 Judicial Magistrate Court No.I, Kanchipuram 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.00 a.m., for the period of 15 days and thereafter, as and when required for interrogation.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;



(f) 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;

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

-sd/-

25/02/2022

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,
NO.I, KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VISHNU KANCHI POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S C.P.R.KAMARAJ Advocate on payment of necessary charges SR.No.2943

CRL OP.4590/2022

Date :25/02/2022

CSK 03/03/2022