



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.4659 of 2022

S.SATHISH @ SATHISHKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY THE
INSPECTOR OF POLICE,
THIRUVARUR TK POLICE STATION,
THIRUVARUR DISTRICT.
(CRIME NO.66 OF 2022)

[RESPONDENT]

For Petitioner : M/S P.MUTHAMIZH SELVAKUMAR Advocate

For Respondent: MR.V.JAYAPRAKASH NARAYANAN, 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 Sections 341, 294(b), 386, 506(ii) of IPC, in Crime No.66 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 13.02.2022, when the defacto complainant was waiting at the Pidari Temple, at that time the petitioner along with other accused in this case demanded money from the defacto complainant by showing knife, assaulted and also threatened him with dire consequences. 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 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 raised objection stating that investigation is pending. He would submit that in the alleged occurrence, the defacto complainant is not injured. 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 Sections 341, 294(b), 386, 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 taking note of all the above said aspects into consideration and the nature of offence committed by the petitioner, custodial interrogation of the petitioner may not be necessary for completing investigation in this case. Therefore, 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 learned Judicial Magistrate Court, Thiruvarur 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., until further orders.

(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,
THIRUVARUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
THIRUVARUR TK POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to P.MUTHAMIZH SELVAKUMAR Advocate on payment of necessary charges SR.2950

CRL OP.4659/2022

Date :25/02/2022

RVR 02/03/2022