



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eleventh day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5270 of 2022

1 ANANDHABABU	[PETITIONERS / ACCUSED]
2 SILAMBARASAN	
3 SATHISHKUMAR	
4 SARANVEL	
5 SURYA	
6 VIGNESH	
7 GOPI	
8 BEEMARAO @ RAJASEKARAN	
9 HARIKRISHNA KUMAR	
10 AKASH	
11 SIVA	
12 KARUPPASAMY	

Vs

THE STATE REP BY	[RESPONDENT]
THE INSPECTOR OF POLICE,	
E-3, TEYNAMPET POLICE STATION,	
CHENNAI.	
(CRIME NO.57 OF 2022)	

For Petitioners : M/S.G.KARTHIKEYAN 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 offence under Sections 464, 465, 468, 471 & 420, of I.P.C in Crime No.57 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that, the petitioners are named accused in Crime No.53 of 2022 on the file of E-3 Police station, Teynampet. While furnishing their residential address, they have given



the fake address which has led to registration of present case in Crime No.57 of 2022 dated 16.02.2022 alleging that, the act of the petitioners furnishing fake address amounts to fabrication of records and cheating.

3. The Learned Counsel appearing for the petitioners would submit that, the petitioners are all students pursuing their studies in Chennai. The students are hailing various parts of the State pursuing their studies in Chennai staying in Hostel and private accommodation. Therefore, the address what they furnished initially was the temporary address and later on, they produced the permanent address and same was also produced before the Magistrate. There is no mens rea for them to furnish fake address and what they furnished is not a fake address also. Without advertent to the merits of the said submission, this Court is of the view that the explanation for giving a different address by the petitioner is plausible and this Court finds no mens rea and prima facie for prosecuting them. More so, there is no need for any custodial interrogation since these petitioners permanent address with ID proof already been furnished to the Judicial Magistrate in the proceedings in which they were arrested. The collateral proceedings initiated against them in view of this Court is unwarranted and any how if the State has decided to prosecute them, it is open to them to conduct proper investigation and proceed to the logical end. Hence, this Court is of the view that the petitioners are entitled for anticipatory bail

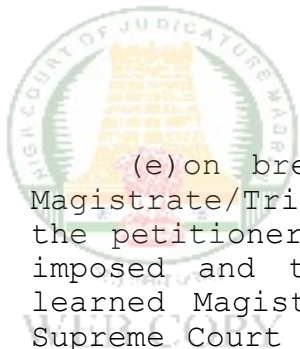
4. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- each (Rupees Twenty Five Thousand only), each with two sureties 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 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;

(b) the petitioners shall report before the respondent police as and when required for interrogation.

(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 petitioner in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory 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/-
11/03/2022

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.XVIII, SAIDAPET, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
E-3, TEYNAMPET POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.KARTHIKEYAN Advocate on payment of necessary charges SR.NO.3855

CRL OP.5270/2022

Date :11/03/2022

JPA 16/03/2022