



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.5384 of 2022

JOTHI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
J-7, VELACHERY POLICE STATION,
VELACHERY,
CHENNAI
CRIME NO.109 OF 2022

[RESPONDENT]

For Petitioner : M/S.K.BOMMURAJ Advocate

For Respondent : M/S.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 Sections 294(b), 323, 336, 392 and 506(ii) of IPC in Crime No.109 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the de facto complainant is a street vendor selling Briyani in Pushcart in the name of Happy Briyani Centre and he is paying every month Rs.5000/- to the petitioner as Mamul. On 26.01.2022, the petitioner has demanded Mamul from the de facto complainant but he refused to pay the said amount. Thereafter it is alleged that the petitioner had forcefully taken an amount of Rs.1200/- from the de facto complainant and abused him with filthy language.



3. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions.

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4. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the XVIII Metropolitan Magistrate Court, Saidapet, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/-only (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 not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the Investigating Officer daily at 10.00 a.m. until further orders.

(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 has 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/-

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,
J-7, VELACHERY POLICE STATION,
VELACHERY, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.BOMMURAJ Advocate on payment of necessary charges
SR.NO. 3780

CRL OP.5384/2022

Date :11/03/2022

RW 18/03/2022