



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Eighth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5882 of 2022

SURESH

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE STATION HOUSE OFFICER,
CHIDAMBARAM TOWN POLICE STATION,
CUDDALORE DISTRICT.
(CR.NO.169/2022)

For Petitioner : M/S.N.U.PRESSANNA 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 294(b), 384 and 506(1) of IPC, Section 4 of TNWHP Act, r/w Section 3 and 4 of TNEI Act in Crime No.169 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had obtained a loan of Rs.50,000/- from Sabthagiri Finance at Chidambaram on "Thandal Basis". Thereafter, the defacto complainant paid a sum of Rs.500/- on daily basis and later she was unable to repay the amount Hence, the said Suresh/A1 and his mother Sundari/A2 came to her house and abused her in filthy language and threatened her and thereafter A3 and A4 came to her house and took away her two wheeler. On very next day, she went to Sabthagiri Finance and requested Suresh to return her two wheeler, but, he told her to have a sexual intercourse with him. Hence, the complaint.

3. The learned counsel for the petitioner has submitted that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He



further submitted that the alleged incident has taken place on 2019 and the present case has been filed as if the defacto complainant's vehicle was forcibly taken away by the accused persons.

4. The learned Government Advocate (Crl.side) after verification, admits that the disputed vehicle stands in the name of the husband of the defacto complainant.

5. In view of the above fact, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Chidambaram 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 learned Magistrate concerned and on further conditions that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 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 Investigation Officer daily at 10.30 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 is 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/-

28/03/2022

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 JUDICIAL MAGISTRATE-II,
CHIDAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT [FOR INFORMATION]

3 THE STATION HOUSE OFFICER,
CHIDAMBARAM TOWN POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.N.U.PRESSANNA Advocate on payment of necessary
charges SR.No.4699

CRL OP.5882/2022

Date :28/03/2022

CSK 04/04/2022