



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Ninth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.6218 of 2022

SUDHAKAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSEPCTOR OF POLICE,
ADAMPAKKAM POLICE STATION,
CHENNAI DISTRICT.
CRIME NO.335 OF 2021.

[RESPONDENT]

For Petitioner : MR.C.S.SRINIVASAN, Advocate for
M/S.M.NAGOORMOIDEEN, Advocate

For Respondent : MR.LEONARD ARUL JOSEPH SELVAM,
Govt. Advocate (Crl. Side)

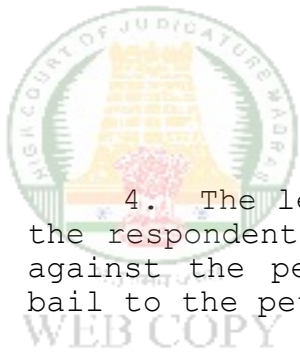
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 452, 427, 436 and 506(ii) IPC r/w 4 of TNPPDL Act, in Crime No.335 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 15.10.2021, the petitioner along with other accused persons entered into the defacto complainant's house with knife and threatened 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 offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that one previous case was pending against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. The submissions made by the learned counsels appearing on either side are considered. The petition mentioned case has been registered as against the petitioner and so many others. Admittedly, some of the accused got anticipatory bail, wherein, this Court after considering the nature of offence committed by them and also on considering the value of the property damaged in the alleged occurrence, granted anticipatory bail directing them to deposit a sum of Rs.10,000/- to the credit of Crime No.335 of 2021. In the said circumstances, custodial interrogation of the petitioner may not be necessary for completing the investigation in this case. Therefore, considering the facts and circumstances of the case and also the submissions made by the learned counsel appearing on either side, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 No.II, Alandur, 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of Crime No.335 of 2021, before the concerned Magistrate within a period of fifteen days from the date of receipt of copy of this order and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.10,000/- on proper identification acknowledgment;

(c) 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;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for an interrogation;



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

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

(g) 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;

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

-sd/-
29/03/2022

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,
NO.II, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET

3 THE INSEPCTOR OF POLICE,
ADAMPAKKAM POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.NAGOORMOIDEEN Advocate on payment of necessary charges

CRL OP.6218/2022

Date :29/03/2022

JPA 04/04/2022