



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5949 of 2022

ANANDAKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ANNADANAPATTY POLICE STATION,
SALEM DISTRICT.
CRIME NO.86 OF 2022.

[RESPONDENT]

For Petitioner : M/S.R.C.PAUL KANAGARAJ Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Cr1. 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 under Sections 147, 148, 341, 342, 324, 364(A) & 506(ii) of IPC, in Crime No.86 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. As per the First Information Report, this petitioner along with others have called the defacto complainant in an isolated place and extorted a sum of Rs.3,00,000/- from him by illegal detention. The police has arrested the other accused and recovered a sum of Rs.1,45,000/- from them. As per the statement of one of the accused, they have spent Rs.50,000/- and a sum of Rs.1,00,000/- retained by the petitioner herein and he is absconding.

3. The petitioner herein seeking anticipatory bail stating that he is an innocent and nothing to do in the crime. However, the statement of the co-accused indicates that he has role in the crime of extortion of money and wrongful detention.



4. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 Judicial Magistrate No.IV, Salem, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand Only), with two sureties, each for a like sum to the satisfaction of the learned Magistrate, failing which the anticipatory bail shall stand canceled and on further condition that:

(a) the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of Crime No.86 of 2022 on the file of the respondent police and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner. The final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

(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 appear before the learned Judicial Magistrate-IV, Salem, daily at 10.30 a.m., until further orders.

(d) If the petitioner fails to deposit the money and furnish surety as stated above, the anticipatory bail granted by this Court shall revoke automatically without any reference to this Court.

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

WEB COPY

-sd/-

15/03/2022

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.IV, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ANNADANAPATTY POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of necessary charges SR.NO. 3923

CRL OP.5949/2022

Date :15/03/2022

RW 22/03/2022