



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

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

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6455 of 2022

K.SARAVANAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
SRIMUSHNAM POLICE STATION,
CUDDALORE DISTRICT.
(CRIME NO.420 OF 2021)

[RESPONDENT]

For Petitioner : M/S.U.GOWRISHANKAR Advocate

For Respondent : MR.S.UDAYAKUMAR, 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 offence under Section 294(b), 324 and 506(ii) IPC in Cr.No.420 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's brother is working abroad. A2 is the wife of the defacto complainant's brother. She had illegal intimacy with A1 and the same was objected by the defacto complainant. Thereafter, A1 and A2 joined together and attacked the defacto complainant with aruval due to which, the defacto complainant sustained severe injuries. Based on the complaint, the respondent Police registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Though the petitioner's earlier bail application was dismissed in Crl.O.P.NO.19742/2021 and 19742/2021 and 1377/2022, however till date, the law enforcing agency has not taken any steps to secure the



petitioner and hence it clearly reveals that there are no materials to implicate the petitioner in the commission of the crime and, therefore, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor submitted that the petitioner has committed heinous offence and there is no change of circumstances, which arises for considering this bail petition.

5. It is borne out by record that the petitioner earlier filed three bail petitions before this Court, and all the three bail petitions were dismissed. This Court felt that the seriousness of the offence put forth by the investigating agency warranted arrest of the petitioner and interrogation. However, the law enforcing agency has not taken any steps till date to arrest the petitioner, which makes this Court to think otherwise. The petitions are being dismissed only to enable the law enforcing agency to secure the accused. In the above circumstances, the act of the law enforcing agency in not securing the accused, even after the earlier bail petitions were dismissed, should definitely enure to the benefit of the petitioner while considering his case for grant of anticipatory bail as any further dismissal of the anticipatory bail applications would not serve any purpose.

6. Considering the above fact, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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, Virudhachalam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 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 petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(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 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;

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

-sd/-

21/03/2022

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, VIRUDHACHALAM, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SRIMUSHNAM POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.U.GOWRISHANKAR Advocate on payment of necessary charges SR.No.4328

CRL OP.6455/2022

Date :21/03/2022

CSK 29/03/2022