



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.6266 of 2022

WEB COPY

K.Nanthakumar

.. Petitioner

Vs.

State rep. by
The Deputy Superintendent of Police,
CBCID Metro Wing, Egmore,
Chennai.

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with Crime No.04 of 2021 on the file of Respondent police.

For Petitioner : Mr.G.Mohana Krishnan

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to Judicial Custody on 25.02.2022 for the offences punishable under sections 147, 323, 347, 384 and 420 of IPC and Section 4 of TNPHW Act @ 353, 216 IPC in Crime No.04 of 2021, on the file of the respondent police, seeks bail.

2. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor and the counter filed by the learned Additional Public Prosecutor was perused.

3. The petitioner herein who was arrested on 25.02.2022 for the offences under Sections 147, 323, 347, 384 and 420 of IPC and Section 4 of TNPHW Act @ 353, 216 IPC seeks bail on the pretext that he is a physiotherapist, he is nothing to do with the crime, A-5 in this case was his client, he treated him and he did not harboured.

4. The investigation reveals that, A-1 Tharun Krishnaprasad, A-2 Srinivasarao obtained Anticipatory Bail in Crl.O.P.No.12546 of 2021 from this Court on 30.07.2021, accused A-7 Jayakumar (Gr.I PC 31072) had obtained Anticipatory bail in Crl.M.P.No.15653 of 2021, accused A-8, T.Joseph (HC 20948) had obtained Anticipatory bail in Crl.M.P.



No.15421 of 2021 from the Principle Sessions Judge Court, Chennai on 17.09.2021 and accused A-9, G.P.Giri (HC 36644) had obtained Anticipatory bail in Crl.O.P. No.23104 of 2021 from this Court on 07.12.2021. Accused A-4. Sreekandan @ Kodambakkam Sri and A-3 Venkatasivanagakumar were arrested on 13.07.2021 and 25.11.2021 respectively and were sent to judicial custody. Another accused A-11 named T.Dhanabal, M/a.37, S/o.Thillaivanam, No.5/113, Pallangi, Kodaikanal, who is maintaining Farm house and Land of A-5 Sivakumar at Vadakaunji, Kodaikanal was arrested on 13.10.2021 for harboring the accused A-5 Sivakumar and concealing the information regarding the whereabouts of the said accused A-5 . Accused A-5 A.Sivakumar (Asst. Commissioner of Police), A-6 K.Pandiyarajan (Sub Inspector of Police) and A-10 M.Saravanan (Inspector of Police) are still absconding, the petitioner was passing information to A-5 who is still absconding and the call details clearly indicates his role in the crime from the counter, this Court finds that the absconding accused are all police personnels and it is for the respondent police to arrest by detaining them, this petitioner is a private individual and a doctor and his profession is not going to tamper their investigation.

5. In view of the above, this Court is inclined to grant bail to the petitioner subject to following conditions;

(a) 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 CCB Metropolitan Magistrate Court (relating to cheating cases in Chennai), and CBCID Metro Cases, Chennai, Egmore;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to 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) on breach of any of the aforesaid conditions, the learned Judicial 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];



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A 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 CCB METROPOLITAN MAGISTRATE
COURT(RELATING TO CHEATING CASES IN CHENNAI),
AND CBCID METRO CASES, CHENNAI,EGMORE,

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI(FOR INFORMATION)

3 THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID METRO WING, EGMORE,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

CC to M/S.G.MOHANA KRISHNAN Advocate on payment of necessary charges Sr.4218

CRL OP.6266/2022

Date :21/03/2022

RVR 21/03/2022