



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6829 of 2022

G.PRABHAKAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KARUPPUR POLICE STATION,
SALEM DISTRICT.
(CRIME NO.78/2022)

[RESPONDENT]

For Petitioner : M/S S.PARTHASARATHY Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences **under Sections 364, 365, 392 and 397 of IPC**, in Crime No.78 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and three others forcibly threatened the defacto complainant and demanded Rs.10,00,000/-. The defacto complainant's sister gave Rs.5,000/- and a half sovereign earring and thereafter, the accused persons left the defacto complainant and demanded Rs.1,00,000/- to be given for the next day. Hence the complaint.

3. The learned counsel for the petitioner submits that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. Based on the confession statement of A1, he has been arrayed as an accused in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that based on the confession statement of A1, this petitioner has been arrested and the investigation is still in progress. Hence, he opposed for the grant of anticipatory bail to the petitioner.

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5. In view of the above facts, 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 seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Salem on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty 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 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 Investigating Officer as and when required for interrogation.**

(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 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;



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

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-sd/-
24/03/2022

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, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARUPPUR POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S S.PARTHASARATHY Advocate on payment of necessary charges SR.NO.4512

CRL OP.6829/2022

Date :24/03/2022

TA-29/03/2022