



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.8722 of 2022

1 A.SANTHOSH KUMAR [PETITIONERS / ACCUSED]
2 A.BHARANI KUMAR
3 R.ARJUNAN
4 USHA RANI
5 KALPANA DEVI
6 SOWMIYA

Vs

STATE REP. BY [RESPONDENT]
INSPECTOR OF POLICE
CHENGALPATTU POLICE STATION,
CHENGALPATTU TALUK,
CRIME NO.126 OF 2022.

For Petitioners : M/S.C.D.JOHNSON Advocate

For Respondent : MR.S.SUGENDRAN, Additional public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under section 353 of IPC in Crime No.126 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the defacto complainant/Tahsildar, Chengalpattu along with the other officials went to remove the encroachments in the land originally belonged to Government Industrial Training Institute, Chengalpattu, the petitioners herein alleged to have prevented them from doing their duty, by threatening them that they would commit self-immolation with kerosene.



3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he pleads for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that no one has sustained any injury in the alleged occurrence.

5. Considering the facts and circumstances of the case and also taking note of the fact that no one has sustained any injury, the custodial interrogation of the petitioners is not necessary in this case and hence, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate II, Chengalpattu, Chengalpattu Taluk on condition that each of the petitioners shall execute their own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) 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 petitioners shall affix their photograph and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(b) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioners shall report before the respondent Police as and when required for interrogation;

(d) the petitioners 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 has 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
12/05/2022

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, CHENGALPET, CHENGALPET TALUK

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
CHENGALPATTU POLICE STATION,
CHENGALPATTU TALUK,

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.D.JOHNSON Advocate on payment of necessary charges
SR.NO.7002

CRL OP.8722/2022

Date :12/05/2022

JPA 13/05/2022