



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of April Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN
CRIMINAL ORIGINAL PETITION No.9854 of 2022

E.ELAYAPERUMAL

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
MANDHARAKUPPAM POLICE STATION,
CUDDALORE DISTRICT
CR.NO.157 OF 2022.

[RESPONDENT]

For Petitioner : M/S.A.KANAKA VELAPPAN Advocate

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

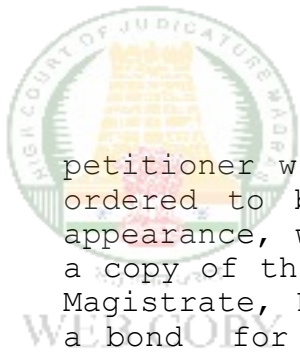
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 399 of IPC, in Crime No.157 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. Five persons were arrested by the respondent police on 05.02.2022, while they were roaming in suspicious manner with weapon near Veenangeni to Kottagam Road opposite to OPR Arts College. Based on their confession, the Police has registered a case under Section 399 of IPC. Since they have disclosed that they have come to rob the lorry carrying old iron scraps, one of the accused has confessed that this petitioner has abetted them to commit the said crime. The Police has arrested all the five accused and in the First Information Report, they have listed previous cases against those arrested persons. The First Information Report for the alleged offences under Section 399 of IPC by the arrested persons extended to the petitioner herein, who was not present at the scene of crime, solely based on the statement of the co-accused confession.

3. Taking note of the fact that the petitioner was not present in the scene of crime and the petitioner has no bad antecedents, this Court is inclined to grant anticipatory bail to the



petitioner with certain conditions. 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 District Munsif cum Judicial Magistrate, Neyveli 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 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(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 report before the Investigating 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) the petitioner shall not abscond either during investigation or trial;

(f) 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;

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

-sd/-

28/04/2022

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.



1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NEYVELI

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
MANDHARAKUPPAM POLICE STATION,
CUDDALORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.SREE KAANCHEE THAMIZH ASSO Advocate on payment of
necessary charges Sr.6494

CRL OP.9854/2022

Date :28/04/2022

RVR 05/05/2022