



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9232 of 2022

M.GOMATHI

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
K-9, THIRU VI KA NAGAR POLICE STATION,
CHENNAI - 11
CRIME NO.1254/2014

[RESPONDENT]

For Petitioner : M/S. V.RAJAMOHAN Advocate

For Respondent : M/S.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 apprehending arrest for the alleged offence under Section 420 of I.P.C., in Crime No.1254 of 2014, on the file of respondent police, seeks anticipatory bail.

2. The petitioner herein is brother of the defacto complainant alleging that, jewels of the defacto complainant borrowed by the petitioner herein not returned and therefore, complaint has been lodged against this petitioner and it appears that, the police has investigated and filed absconding charge sheet before the 5th Metropolitan Magistrate, Egmore, Chennai. On receipt of the summons, the petitioner has approached the Court and it appears that, the bail bond furnished by the petitioner returned. Hence, present anticipatory bail petition is filed before this Court.



3. On considering the fact that the petitioner herein shown as absconding accused while filing final report. It is appropriate for the petitioner to appear before the concern Judicial Magistrate in person. On such appearance, Learned Magistrate shall act in accordance with law under Rule 24 of Criminal Rules of Practice, 2019. Since the petitioner was issued summons for appearance on 18.04.2022 and it is stated that, he appeared on the same day before the Magistrate and submitted the bail bond but that was not accepted.

4. For the purpose of clarity, passed the following order for future reference of the Metropolitan Magistrate as below:-

"Since it is a case of absconding charge sheet and petitioner/accused been served with summons for appearance. On appearance of petitioner/accused the concerned Magistrate shall obtain a bond in Judicial Form No.74, with or without sureties, subject to satisfaction and petitioner need not be remand to Judicial Custody in view of the matter relates to transaction of jewels between defacto complainant and sister and judicial remand is not required. Further, it is directed that the petitioner shall appear before the 5th Metropolitan Magistrate, Egmore, Chennai, on 16.05.2022 and on his appearance, appropriate orders shall be passed as per Rule 24 of Criminal Rules of Practice - 2019."

5. With the above direction, this Criminal Original Petition is disposed of.

-sd/-
22/04/2022

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.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.V, EGMORE, CHENNAI.

2 THE INSPECTOR OF POLICE,
K-9, THIRU VI KA NAGAR POLICE STATION,
CHENNAI - 11.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

+1 CC to M/S. V.RAJAMOHAN Advocate on payment of necessary
charges SR.NO. 6129

CRL OP.9232/2022

Date :22/04/2022

RW 28/04/2022