



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of June Two Thousand Twenty Two

PRESENT

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.10832 of 2022

V.VENKATACHALAPATHY

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
DENKANIKOTTAI POLICE STATION,
KRISHNAGIRI.
(CRIME NO.510 OF 2021)

[RESPONDENT]

For Petitioner : M/S.A.SAKTHIVEL Advocate

For Respondent : M/S.R.KISHORE KUMAR, 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 offences punishable under Sections 147, 148, 294(b), and 302 of I.P.C. in Crime No.510 of 2021 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's son-in-law and 1st accused are friends and they were running the finance business. While being so, as there was a dispute arose between them, his son-in-law separated from the business, due to which, the 1st accused and their friends said to have planned to murder him, thereby assaulted son-in-law of defacto complainant and caused death. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is ranked as A15 and based upon the confession statement of other accused, he has been falsely implicated in this case. He



would also submit that this is the third petition praying for anticipatory bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that he is having 10 previous cases and if he is released on bail, he will tamper the evidence. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel appearing for petitioner would submit that except A1, who was detained under Act 14, other accused were arrested and released on bail and investigation was also completed. This fact was also admitted by the prosecution.

6. Considering the above fact and circumstances of the case and also the fact that since the investigation was completed, in previous cases also, he availed bail, all the other accused were released on bail and considering the change of circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Denkanikottai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, in which, one surety shall be blood relative of the petitioner, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall stay at Dharmapuri and report before the Dharmapuri Town Police Station daily at 10.30 a.m. for a period of three weeks.

[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 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/-

16/06/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DENKANIKOTTAI POLICE STATION,
KRISHNAGIRI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
DHARMAPURI TOWN POLICE STATION,
DHARMAPURI.

+1 CC to M/S.A.SAKTHIVEL Advocate on payment of necessary charges SR.NO. 9418

CRL OP.10832/2022

Date :16/06/2022

RW-21/06/2022