



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11363 of 2022

LOGANATHAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY ITS
THE INSPECTOR OF POLICE,
TINDIVANAM POLICE STATION,
VILLUPURAM DISTRICT.
(CRIME NO.197 OF 2022)

[RESPONDENT]

For Petitioner : M/S.D.DAYALAN Advocate

For Respondent : MR. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

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 294(b), 323, 448 of IPC, 1860 r/w. Section 4 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 in Crime No.197 of 2022, seeks anticipatory bail.

2. Totally, there are 3 accused in this case and the petitioner is arrayed as A2. The case of the prosecution is that in a drunken mood, the petitioner along with other accused abused the employee of the Kannaiah Cinema Theatre, trespassed into the Cinema Theatre, assaulted him by using hands and also caused damage to the theatre to the extent of Rs.10,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that when the petitioner along with his two friends went to Kannaiah Cinema Theatre, the employee of the theatre refused to give ticket and subsequently, he gave tickets to some other persons. When the same was questioned by the petitioner, wordy quarrel arose between them. Due to which, the employees of the cinema theatre joined together, assaulted the petitioner and his friends and extorted their cell phones and also a sum of Rs.7500/-, for which, a case in crime No.198 of 2022 for the offences under Sections 147, 294(b), 324, 387 and 506(ii) of IPC has been registered as against them. He would further submit the petitioner is an innocent person and he has been



falsely implicated in this case. He would further submit that the petitioner is ready to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of crime No.197 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioner.

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4. The learned Additional Public Prosecutor would submit that since the ticket timing is over, the employee of the theatre refused to give ticket to the petitioner and his friends. Due to which, there was altercation between them, in which, the petitioner along with other accused assaulted the employee of the theatre and also caused damage to the tune of Rs.10,000/-. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.197 of 2022, within a period of four weeks from the date on which the order copy made ready, and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Tindivanam, on condition that the petitioner shall execute a bond for a sum of Rs. 10,000/- (Rupees Ten 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, 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.197 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall stay at Sriperumbudur and report before the Sriperumbudur Town Police Station daily at 10.30 a.m. for a period of two weeks and thereafter, report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.



[g] 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].

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
18/05/2022

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,
TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILLUPURAM.[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TINDIVANAM POLICE STATION,
VILLUPURAM DISTRICT.

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

CC to M/S.D.DAYALAN Advocate on payment of necessary charges

CRL OP.11363/2022

Date :18/05/2022