



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

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.11305 of 2022

S.MESSINA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
OOTY TOWN CENTRAL POLICE STATION,
NILGIRIS.
CR.NO. 113 OF 2022.

[RESPONDENT]

For Petitioner : M/S. W.CAMYLES GANDHI Advocate

For Respondent : M/S. 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 Section 143, 294(b), 506(i) of IPC, in Crime No.113 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant then lodged a complaint before the respondent police stated that the defacto complainant's daughter who is eloped with the one Pradap and looted money and jewels from his house. Thereafter, on 09.05.2022 the petitioner along with other accused persons tried to entered into the defacto complainant's house and threatened him and his wife with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent person she is no way connected with the alleged offence. Hence, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor would submit that there is no previous case pending against the petitioner.

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



6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Udhagamandalam, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, one among the surety shall be a blood relative of the accused, 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 report before the respondent police as and when required for interrogation.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

19/05/2022

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,
UDHAGAMANDALAM



2 THE CHIEF JUDICIAL MAGISTRATE
NILGIRIS (FOR INFORMATION)

3 INSPECTOR OF POLICE,
OOTY TOWN CENTRAL POLICE STATION,
NILGIRIS.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary
charges Sr.7334

CRL OP.11305/2022

Date :19/05/2022

RVR 25/05/2022