



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12340 of 2022

NILESH KUMAR

[PETITIONER / ACCUSED]

Vs

STATE BY INSPECTOR OF POLICE
ANNA NAGAR POLICE STATION,
CHENNAI CITY,
CRIME NO.552 OF 2021

[RESPONDENT]

For Petitioner : M/S.S.VALARMATHI, Advocate

For Respondent : MR.C.E.PRATAP, 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 385 & 506(i) of IPC in Crime No.552 of 2021, seeks anticipatory bail.

2. Totally, there are nine accused in this case and the petitioner is arrayed as A9. The case of the prosecution is that the defacto complainant and the petitioner belong to same political party. It is alleged that A1 in this case, one Madurai Bala contacted the defacto complainant through phone and demanded a sum of Rs.50,000/- and also threatened the defacto complainant stating that if he fails to pay the said amount, he would spread false messages about him in the social media. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that accused/A2 to A7 have been arrested and released on bail and anticipatory bail was granted to accused/A8. Therefore, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (crl.side) would submit that accused/A1 is alleged to have demanded a sum of Rs.50,000/- to the defacto complainant through phone call and gave life thread. He would further submit that the A1 in this case is still in custody. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the fact and circumstances of the case, and the fact that co-accused in this case have already been released on bail, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Metropolitan Magistrate No.V, Egmore, 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 appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, 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.

WEB COPY

-sd/-
26/05/2022

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 METROPOLITAN MAGISTRATE,
NO.V, EGMORE

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
ANNA NAGAR POLICE STATION,
CHENNAI CITY,

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. J.FRANKLIN Advocate on payment of necessary charges
SR.NO.7973

CRL OP.12340/2022

Date :26/05/2022

JPA 31/05/2022