



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.13134 of 2022

K.KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
S-14, PEERKANKARANAI POLICE STATION,
CHENNAI.
(CR.NO.130/2022)

[RESPONDENT]

For Petitioner : M/S.R.THIRUMOORTHY Advocate

For Respondent : MR.S.UDAYA KUMAR, Govt. Advocate (CrI. Side)

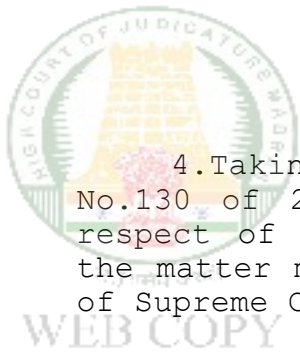
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 294(b), 323, 427 of IPC in Crime No.130 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. Earlier, the anticipatory bail petition filed by the petitioner in CrI.O.P.No.8041 of 2022 was dismissed on 06.04.2022. The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 427 of IPC in Crime No.130 of 2022.

3.Considering that the alleged offence under section 324 I.P.C. which is non bailable in nature, the earlier anticipatory bail petition was dismissed. Now the petitioner herein moved the second anticipatory bail petition stating that the case is registered only for the offence under 294 (b), 323, 427 IPC which are all bailable offences and therefore for sake of clarification, the second anticipatory bail petition is moved.



4. Taking note of this said fact, it is clarified that the Crime No.130 of 2022 on the file of the respondent police is only in respect of bailable offence. The respondent police is investigating the matter may act in accordance with law and as per the guidelines of Supreme Court.

5. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner. Hence, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No-I, Tambaram** on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the Investigating Officer as and when required for an interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]**; and;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
08/06/2022

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 JUDICIAL MAGISTRATE,
NO.I, TAMBARAM, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-14, PEERKANKARANAI POLICE STATION,
CHENNAI.

CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary charges

CRL OP.13134/2022

Date :08/06/2022

TA-13/06/2022