



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of June Two Thousand Twenty Two

PRESENT

The Hon'ble Mr Justice SATHI KUMAR SUKUMARA KURUP

CRIMINAL ORIGINAL PETITION No.12566 of 2022

SIVAKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
GUDUVANCHERY POLICE STATION,
CHENGALPATTU DISTRICT.
(CR. NO. 94/2022)

[RESPONDENT]

For Petitioner : M/S.T.SAI KRISHNAN Advocate

For Respondent : MR.L.BASKARAN, 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 302, 341, 120(B), 147, 148 & 294(b) of IPC, in Crime No.94 of 2022, seeks anticipatory bail.

2. The case of the Prosecution is that the De-facto Complainant's father/Deceased Umapathy had a dispute with his son named Sarvanan and Daughter-in-law named Uma Maheshwari (De-facto Complainant's Brother and Sister in-law respectively). Earlier, the deceased Umapathy registered a complaint in Crime No.319 of 2021 stating that he was abducted and threatened by his son Sarvanan and his Daughter-in-law - Uma Maheshwari along with their relatives and forced to register document in respect of immovable property in favour of his son and daughter-in-law. The Petitioner is one of those relatives who is accused of abducting the deceased in Crime No.319 of 2021. The De-facto-Complainant's Brother and Sister-in-law threatened the De-facto-complainant's Father to withdraw such complaint. While so, on 21.03.2022, the father of the De-facto Complainant was attacked with knife by unknown persons while he was travelling in a two-wheeler near the Water Tank of Kannivakkam Village which caused him to death. Hence, the complaint.



3. The learned Counsel for the Petitioner submitted that the Petitioner is an innocent and law-abiding person and he did not commit any offence as alleged by the Prosecution. In the complaint lodged by the De-Facto Complainant in Crime No.94 of 2022, the name of the Petitioner is not mentioned at all. Hence, he prays for grant of anticipatory bail to the Petitioner.

4. The learned Government Advocate (Crl.Side) vehemently objects to grant Anticipatory Bail on the ground that the deceased was a relative of the Daughter-in-law of the deceased Umapathy who helped her along with other accused in abducting and threatening him in earlier complaint in Crime No.319 of 2021 and again helped them in causing death to the deceased in Crime No.94 of 2022.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the Petitioner subject to the following 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 Judicial Magistrate No.II, Chengalpattu, on condition that the Petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, on whom, one should be a blood relative of the Petitioner, 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 sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate No.II, Chengalpattu, may obtain a copy of their Aadhar card or Voter Identity card or Driving License or PAN card or Bank Pass Book with photo affixed and attested by the Bank Manager to ensure their identity;

(b) the Petitioner shall report before the Respondent Police daily at 10:30 am., for a period of one month. Thereafter as and when required.

(c) the Petitioner shall not influence, threaten or coerce the 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A 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 JUDICIAL MAGISTRATE,
NO.II, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
GUDUVANCHERY POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.T.SAI KRISHNAN Advocate on payment of necessary charges SR.No.9491

CRL OP.12566/2022

Date :16/06/2022

CSK 24/06/2022