



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRIMINAL ORIGINAL PETITION No.12857 of 2022

GOWTHAM

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PANAMARATHUPATTY POLICE STATION,
SALEM DISTRICT.
CR.NO.63/2022.

[RESPONDENT]

For Petitioner : M/S.R.NALLIYAPPAN Advocate

For Respondent : M/S.A.GOKULAKRISHNAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the alleged offences under Sections 392 of I.P.C. in Crime No.63 of 2022, and he has filed this petition seeking for anticipatory bail.

2. The case of the prosecution is that on 08.05.2022, while the defacto complainant was at his duty as Watchman, the 1st accused and the petitioner have entered into the company, assaulted him and they have also taken cellphone, watch and a cash of Rs.5000/- from him and escaped from the spot. In the said circumstances, the criminal case has been registered against the petitioner. Now apprehending arrest, the present petition has been filed by the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the offence. He would submit that only based on the confession statement of co-accused, he was implicated as accused in this case. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner along with other accused entered into the company, wherein the defacto complainant was working as watchman, A1 and A2 assaulted him, and had taken cellphone, watch and cash of Rs.5000/- from him. He further submitted that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances and the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

6. Accordingly, this Criminal Original Petition is allowed. 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Salem on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police daily at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with the 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 is 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
01/06/2022

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.1, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PANAMARATHUPATTY POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S. R.NALLIYAPPAN Advocate on payment of necessary charges SR.NO.8348

CRL OP.12857/2022

Date :01/06/2022

TA-02/06/2022