



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.12892 of 2022

1 NIYASUDHEEN
2 DEVENDRAN

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
PUDUCHATRAM POLICE STATION,
NAMAKKAL DISTRICT.
CRIME NO.124 OF 2022.

[RESPONDENT]

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

For Respondent : MR.A.GOKULAKRISHNAN, Additional public Prosecutor

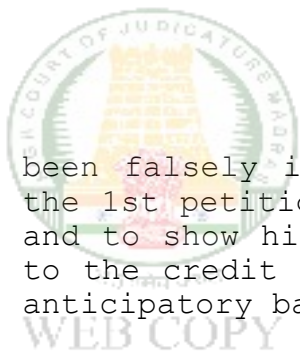
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the alleged offences under Sections 392 r/w 397 of I.P.C. in Crime No.124 of 2022, and they have filed this petition seeking for anticipatory bail.

2. The case of the prosecution is that on 20.05.2022, when the defacto complainant was returning back from Virudhunagar in his bike, near Thirumalaipatti to Belukurichi Road, some accused persons came in a two wheeler and were said to have thrown chilli powder and looted money from him and also threatened him with dire consequences. In the said circumstances, the criminal case has been registered against the petitioners. Now apprehending arrest, the present petition has been filed by the petitioners.

3. The learned counsel appearing for the petitioners submitted that they are innocent persons and they are no way connected with the offence. He would also submit that they have been arrayed as accused upon confession statement of co-accused and based on which, they have



been falsely implicated in this case. He would further submit that the 1st petitioner is a businessman, having establishments at Chennai and to show his bonafide, he is ready to deposit a sum of Rs.3 lakhs to the credit of Crime No. 124 of 2022. Hence, he prays for grant of anticipatory bail.

4. So far as the 1st petitioner is concerned, the learned Additional Public Prosecutor is having serious objection stating that a sum of Rs.5 lakhs is yet to be recovered from the remaining accused. So far as the 2nd petitioner is concerned, he is not an accused in the F.I.R. in Crime No. 124 of 2022. He would submit that one previous case is pending against the 1st petitioner. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the fact that the 1st petitioner is implicated only on the confession statement of A1 and he is willing to deposit a sum of Rs.3 lakhs to the credit of crime No.124 of 2022, this Court is inclined to grant anticipatory bail to the 1st petitioner, subject to certain conditions. In so far as 2nd petitioner is concerned, as he is not an accused in Crime No.124 of 2022, this Criminal Original Petition is dismissed as against the 2nd petitioner.

6. Accordingly, this Criminal Original Petition is allowed. The 1st 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-II, Namakkal on condition that the 1st petitioner shall deposit a sum of Rs.3 lakhs to the credit of Crime No.124 of 2022 on the file of respondent police and he shall also 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 1st 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 1st petitioner shall report before respondent police daily at 10.30 a.m. until further orders.

[c]the 1st petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the 1st 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 1st petitioner in accordance with law as if the conditions have been imposed and the 1st 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.

-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.II, NAMAKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
PUDUCHATRAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.8293

CRL OP.12892/2022

Date :01/06/2022

JPA 06/06/2022