



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12869 of 2022

DEVA KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
KATPADI POLICE STATION,
VELLORE DISTRICT
(CRIME NO.75/2022)

[RESPONDENT]

For Petitioner : M/S S.THIRUGNANAMM Advocate

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

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 141, 148, 332, 307, 506(2) of IPC and 25 (1A) of Arms Act, 1959, in Crime No.75 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 10.02.2022, based on a secret information that some unknown persons are roaming in and around Katpadi in three cars with illegal arms to indulge in illegal activities, a special team went to the spot wherein, the accused were discussing among themselves near a car shed owned by one Deva. On seeking the police all of them tried to ran away from the spot in three cars towards Gudiyatham. When the defacto complainant and one Mr.Vijayakumar tried to arrest, the 1st accused drove the car at high speed rashly and attempted to kill them and fortunately, they escaped with injuries. When the other respondent police tried to



catch them, one Imram threatened them to kill by showing his illegal gun and subsequently, they escaped from the police. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is arrayed as A8 and the other accused viz., A1 to A7 have been arrested and remanded to judicial custody. He would further submit the petitioner also attempted to commit offence with deadly weapon along with other accused but there is no previous case against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and the fact that there is no previous case against the petitioner, 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 Judicial Magistrate, Katpadi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood 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 report before the respondent police daily at 10.30 a.m. for a period of four 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

10/06/2022

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,
KATPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 INSPECTOR OF POLICE,
KATPADI POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S S.THIRUGNANAMM Advocate on payment of necessary charges SR.NO. 8860

CRL OP.12869/2022

Date :10/06/2022

RW-16/06/2022