



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 G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13790 of 2022

1 A.ADHAMSHA

[PETITIONERS]

2 A.MALAR

3 USENA @ USENABANU

Vs

STATE REP BY ITS

[RESPONDENT]

THE INSPECTOR OF POLICE

N-2, KASIMEDU POLICE STATION,

WASHERMENPET DISTRICT.

(CRIME NO.78/2022)

For Petitioner : M/S.J.RAJMOHAN, Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 397 of IPC, in Crime No.78 of 2022, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners and another accused threatened the defacto complainant at knife point and robbed a sum of Rs.2,000/-. Hence, the present case.

3. The learned counsel for the petitioners would submit that the petitioners are the innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor would submit that there are totally 4 accused in which the petitioners are arrayed as A2 to A4. When the occurrence was intercepted by the Police personnels A1 attacked the Police personnels and he was arrested and remanded to judicial custody. Therefore, A1 only attacked the Police personnels. Insofar as the petitioners are concerned, there is no specific allegations as against them. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate -4, George Town, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m, for a period of two weeks and thereafter as and when required for interrogation.

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

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

WEB COPY

-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-4,  
GEORGE TOWN.

2 THE CHIEF METROPOLITAN MAGISTRATE,  
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE  
N-2, KASIMEDU POLICE STATION,  
WASHERMENPET DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S.J.RAJMOHAN Advocate on payment of necessary charges  
SR.No.9314

CRL OP.13790/2022

Date :16/06/2022

CSK 22/06/2022