



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14272 of 2022

1 ARAVIND
2 SANTHOSH

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE
RED HILLS POLICE STATION,
CHENNAI
(CRIME NO.351 OF 2022)

[RESPONDENT]

For Petitioners : M/S.B.ELAKKIYA 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 341, 294 (b), 384 and 506(i) of IPC, in Crime No.351 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners asked money to the defacto complainant for consumption of alcohol. The defacto complainant refused to give money to them, due to which the petitioners and other accused abused the defacto complainant with filthy language and robbed Rs.600/- from the defacto complainant's pocket. Hence, the complaint.

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 the petitioners threatened the defacto complainant with dire consequences and robbed Rs.600/- from him. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

WEB COPY 5. It is seen that there are totally 3 accused in which, the petitioners are arrayed as A2 and A3. The petitioners and the defacto complainant are friends. Therefore, a false complaint has been foisted against the petitioners as if, they robbed a sum of Rs.600/- by threatening at knife point. Insofar as the first accused is concerned, he was arrested and released on bail.

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

7. 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-II, Ponneri, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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 three weeks 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.

-sd/-
21/06/2022

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, PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
RED HILLS POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.B.ELAKKIYA Advocate on payment of necessary charges
SR.NO.9645

CRL OP.14272/2022

Date :21/06/2022

JPA 24/06/2022