



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MR. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.25183 of 2021

Balasundaram

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Kalpakkam Police Station,
Chengalpattu - 603 102.
Crime No.214 of 2021.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Connection with the Crime No.214 of 2021 pending on the file of the respondent police.

For Petitioner : Mr. Preethi S.Arasu

For Respondent : Mr. A.Gokulakrishnan
Additional Public Prosecutor.

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 467, 468, 471 & 420 of IPC in Crime No.214 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 27.09.2021, the petitioner had misused the logo and GST Identification number of GARVI-GUJARI, an enterprise of the Gujarat Government which deals with handloom and handicrafts products from the state of Gujarat and set up an exhibition for sale of these products in the name of GARVI-GUJARI. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.



3. The learned Counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and she further submitted that the petitioner is employed as a Senior Sales Assistant at the North Eastern Handicrafts and Handloom Development Corporation and ID card also shown through Video Conference and has about 37 years of Service and hence she prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that earlier this Court dismissed the petitioner's anticipatory bail petition is CrI.O.P.No. 22993 of 2021 dated 01.12.2021. He would further submit that there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the First Information Report.

6. Taking into consideration the facts and submissions of the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Thirukuzhakundram, Chengalpattu District on condition that the petitioner 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 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 on every Wednesday at 10.30 a.m., until further orders.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

03/01/2022

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,
THIRUKUZHAKUNDRAM, CHENGALPATTU DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KALPAKKAM POLICE STATION,
CHENGALPATTU DISTRICT- 603102.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.PREETHI S.ARASU Advocate on payment of necessary charges SR.NO.40

CRL OP.25183/2021

Date :03/01/2022

RW 06/01/2022