



WEB COPY



Crl.O.P.No.25683 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM

THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25683 of 2022

Ranjithkumar,
S/o.Anantharaj

... Petitioner

-Vs.-

The State rep. by,
The Inspector of Police,
Korattur Police Station,
Chennai.
(Crime No.130 of 2022)

.. Respondent

Criminal Original Petition filed under Section 438 of Code of Criminal Procedure to enlarge the petitioner on bail in the event of his arrest in Crime No.130 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Vijayaragavan
For Respondent : Mr.N.S.Suganthan,
Government Advocate (Criminal side)



WEB COPY



Crl.O.P.No.25683 of 2022

ORDER

This Criminal Original Petition has been filed to enlarge the petitioner on bail in the event of his arrest in Crime No.130 of 2022 pending investigation on the file of the respondent police.

2. The petition, seeking anticipatory bail, is filed for the fourth time being unsuccessful on earlier three occasions in the case of theft, which has been under investigation by the respondent police since March 2022. Though the petitioner is residing next to the *de facto* complainant's house and in spite of dismissing this anticipatory bail thrice, the respondent police has not apprehended him or recovered the stolen goods.

3. The learned counsel for the petitioner submits that the entire complaint is false and the petitioner is an innocent person. He further submitted that just to settle this Court, this complaint has been registered by the respondent police illegally, by threatening him to part away the money as bribe.



Crl.O.P.No.25683 of 2022

WEB COPY

4. This Court finds force in the submissions made by the learned counsel for the petitioner. Considering that in spite of registration of the complaint and dismissal of the earlier anticipatory bail petitions, the Investigating Officer has not acted upon and investigated the matter whereas he is just keeping the matter pending without any progress in investigation for some ulterior reason, this Court is inclined to grant anticipatory bail to the petitioner on the condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambattur, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the Investigating Officer/respondent police as and when required.



WEB COPY



Crl.O.P.No.25683 of 2022

(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 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

6. Accordingly, this Criminal Original Petition is allowed.

27.10.2022

Speaking/Non-speaking order

Index: Yes/No

Internet : Yes/No

nsa



WEB COPY

To

1.The Judicial Magistrate,
Ambattur.

2.The Inspector of Police,
Korattur Police Station,
Chennai.
(Crime No.130 of 2022)



Crl.O.P.No.25683 of 2022



WEB COPY



Crl.O.P.No.25683 of 2022

Dr.G.JAYACHANDRAN.J.,

nsa

Crl.O.P.No.25683 of 2022

27.10.2022