



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25884 of 2021

Balamurugan

... Petitioner

Versus

State Rep by
The Inspector of Police,
Pantruti Police Station,
Cuddalore District.
(Crime No.1083 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.1083 of 2021 pending investigation on the file of the respondent police.

For Petitioner : M/S.A.Ramesh

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

Order

The petitioner, who apprehends arrest for the alleged offences under Section 379 of IPC in Cr.No.1083 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to lack of petrol, the defacto complainant parked his two wheeler in front of petitioner's house. The petitioner is alleged to have interchanged the engine of the defacto complainant's two wheeler in his absence. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that he has no way connected with the alleged occurrence and he has been falsely implicated in this case. However, the learned counsel, on instructions, further submits that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.10,000/- to the credit of the crime number as imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submits that the petitioner is alleged to have replaced the engine of the defacto complainant's two wheeler with another. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the petitioner on his own volition, is ready to deposit an amount of Rs.10,000/- to the credit of the Crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.1083 of 2021, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Panruti 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 and on further condition that:

(a)the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.1083 of 2021 before the concerned Magistrate within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and the defacto complainant is permitted to withdraw the said deposit amount of Rs.10,000/- on proper identification and acknowledgment;

(b)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;

(c)the petitioner is directed to appear before the respondent police every Wednesday at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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 anticipatory 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;

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

-sd/-

05/01/2022

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 NO.I,
PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
PANRUTI POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.RAMESH Advocate on payment of necessary charges
SR.NO.231

CRL OP.25884/2021

Date :05/01/2022

INBA-07/01/2022