



Crl.O.P.No.11817 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

CORAM

THE HON'BLE MR. JUSTICE R.SAKTHIVEL

Crl.O.P.No.11817 of 2024

Tikkaram.A.D

... Petitioner/ Accused

Vs.

State of Tamil Nadu
Rep. by the Inspector of Police,
Kannagi Nagar Police Station,
Chennai.
(Crime No.125 of 2024)

...Respondent/Complainant

PRAYER: The Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973, praying to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.125 of 2024 on the file of the Inspector of Police, Kannagi Nagar Police Station, Chennai.

For Petitioner : Mr.Varun.S

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed by the petitioner on 13.05.2024 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 394 IPC in Crime No.125 of 2024 on the file of the respondent police.

3. The case of the prosecution is that on 20.04.2024, the *defacto* complainant met each other at Thuraipakkam Branch of Axis Bank. When the petitioner enquired about the money that has to be paid at the election booth, the *defacto* complainant told him that he was unaware of the same and asked him to enquire about it to the Zonal Head of the political party. Despite the same, the petitioner abused the *defacto* complainant by obscene words, which resulted in hitting him with his helmet in the chest of the *defacto* complainant. It is also further alleged



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that the petitioner took Rs.45,000/- from the pocket of the defacto complainant. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that *defacto* complainant sustained only simple injuries. Hence, he prays for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner has taken a sum of Rs.45,000/- cash from the *defacto* complainant's pocket. Hence, he opposed to grant anticipatory bail to the petitioner.

6. Heard on both sides'. This Court has perused the records.

7. It is seen that the petitioner has taken cash of Rs.45,000/- from the pocket of the defacto complainant. Considering the facts and with a view to give one more opportunity to reform himself, this Court is



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inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned **Judicial Magistrate, Sholinganallur District**, within a period of 15 days from today, on executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) along with two sureties each for a like sum of Rs.20,000/- to the satisfaction of the learned Judicial Magistrate, Sholinganallur District.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall deposit a sum of Rs.45,000/- (Rupees Forty Five Thousand only) before the learned Judicial Magistrate, Sholinganallur, to the credit of Crime No.125 of 2024 on the file of the Kannagi Nagar Police Station, Chennai. In turn, the learned Judicial Magistrate, Sholinganallur, shall deposit the said amount in a nationalized bank initially for a period of one year and renew them periodically until the final order/judgment. The learned



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Judicial Magistrate or the Trial Court as the case may be shall pass order as to the disposition of the fixed deposit in the final order/judgment.

(iv) The petitioner shall appear and sign before the respondent Police, daily at 10.00 a.m, until further orders;

(v) The petitioner shall furnish his residence address and mobile number to the learned Judicial Magistrate, Sholinganallur District;

(vi) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(vii) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in ***P.K. Shaji vs. State of Kerala*** [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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Index : Yes/No
Internet : Yes/No
Anu



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Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To

1.The Judicial Magistrate,
Sholinganallur District.

2.The Inspector of Police,
Kannagi Nagar Police Station,
Chennai.

3.The Public Prosecutor,
High Court of Madras.



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R.SAKTHIVEL. J.

Anu

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