

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Third day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.13562 of 2018

1 RAMESH BABU @ PRASANNA,
2 PRAKASH

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
ARAKKONAM TOWN POLICE STATION,
ARAKKONAM, VELLORE DISTRICT.
CR.NO. 295 / 2018.

[RESPONDENT]

For Petitioner : M/S.V.BALAJI Advocate

For Respondent : MR.M.PRABHAVATHI ADDL. PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 399 IPC in Crime No.295 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners have involved in dacoity by intercepting the public by showing deadly weapons which resulted in registration of this case.

3.The learned counsel for the petitioner has submitted that these petitioners are falsely implicated in the above case and have not committed any offence. Further, he has submitted that there is no previous case against the petitioners herein and the Accused Nos.1 & 3 were arrested and they were granted bail by this Court by another Bench today in Crl.O.P.No.14056 of 2018.

4.The learned Additional Public Prosecutor appearing for the respondent fairly submitted that no previous case is pending against the petitioners herein.

5.Taking into consideration the submission that no previous case is pending against the petitioners herein and also fact that Accused nos.1 and 3 were arrested and subsequently granted bail by this Court. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Arakkonam on condition that the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) if the petitioners fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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]**.

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

-sd/-

23/05/2018

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 CHIEF JUDICIAL MAGISTRATE
VELLORE[FOR INFORMATION]

2 THE JUDICIAL MAGISTRATE,
ARAKKONAM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARAKKONAM TOWN POLICE STATION,
ARAKKONAM,
VELLORE DISTRICT.

+1 CC to M/S.V.BALAJI Advocate on payment of necessary charges
SR.NO. 9438

CRL OP.13562/2018

Date :23/05/2018

RD 28/05/2018