

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N.SATHISH KUMAR

CRIMINAL ORIGINAL PETITION No.13816 of 2018

R.VIGNESHWAR @ VIKKI

[PETITIONER / ACCUSED]

Vs

STATE REP. BY,
INSPECTOR OF POLICE,
AMBATTUR POLICE STATION, CHENNAI.
CR.NO.1051 OF 2018.

[RESPONDENT]

For Petitioner : M/S.B.MOHANRAJ Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence punishable u/s.379 of IPC in Crime No.1051/2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused snatched the cellphone of the defacto complainant, resulting in the registration of the case.

3.The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and he is nothing to do with the alleged offence. It is further submitted that the main allegation of snatching of cellphone from the complainant is leveled only against A-1 and that the petitioner is the owner of the bike in which the alleged offence is said to have been committed by A-1.

4.The learned Additional Public Prosecutor submits that the name of the petitioner is not found in the FIR.

5.As per the case of the prosecution, A1 allegedly said to have snatched the cellphone and the petitioner is only the owner of the bike on which A1 has travelled and except that, there is no allegation as against the petitioner herein/his involvement. Hence, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner 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, Ambattur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 shall report before respondent police daily at 6.30 p.m for a period of two weeks and thereafter, as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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 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]**.

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
30/05/2018

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 JUDICIAL MAGISTRATE,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AMBATTUR POLICE STATION, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.B.MOHANRAJ Advocate on payment of necessary
charges in SR.NO. 9558

CRL OP.13816/2018

Date :30/05/2018

MLT-31/05/2018