

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.14297 of 2018

JUNATH BASHA @ JUNAIDU, [ PETITIONER / ACCUSED ]

Vs

STATE BY, [ RESPONDENT ]  
INSPECTOR OF POLICE,  
ARCOT TOWN POLICE STATION,  
WALAJAHPET, VELLORE DISTRICT.  
CR.NO.208 OF 2018.

For Petitioner : M/S.S.P.ARTHI Advocate

For Respondent : MRS.M.PRABHAVATHI, ADDL. 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.399 of IPC in Crime No.208/2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused made preparation to commit dacoity, 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 petitioner was not present in the scene of occurrence.

4.The learned Additional Public Prosecutor submits that A1 and A2 were already enlarged on bail by the learned Principal District Judge and that the petitioner is having one previous case.

5.Having regard to the fact that A1 and A2 were already enlarged on bail by the Court below and that the petitioner was not present in the scene of crime, 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, Arcot, Vellore District, 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 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,  
ARCOT, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
ARCOT TOWN POLICE STATION,  
WALAJAHPET, VELLORE DISTRICT.

+1 CC to M/S.S.P.ARTHI Advocate on payment of necessary charges-  
Sr.9711

CRL OP.14297/2018

Date :30/05/2018

ths : 31.05.2018