

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighteenth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.15575 of 2018

SANTHOSH@NETHAJI SANTHOSH

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
ARCOT TOWN POLICE STATION,
ARCOT, VELLORE DISTRICT.
CR.NO.23 OF 2018.

[RESPONDENT]

For Petitioner : M/S.D.BALAJI Advocate

For Respondent : MR.C.IYYAPPARAJ, 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 under Section 399 of IPC in Crime No.23 of 2018 seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution as per the defacto complainant is that while the defacto complainant was on patrol duty, he had found the petitioner along with the other accused making preparation to commit robbery and on seeing the police, the petitioner ran away from the place of occurrence.

4. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

5. The learned Additional Public Prosecutor would submit that the petitioner along with other accused was found making preparation to commit robbery and on seeing the police, the petitioner ran away from the place of occurrence. He would submit that the arrested accused have been enlarged on bail. He would further submit that there is no previous case against the petitioner.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and also the fact that there is no previous case against the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned District Munsiff-cum-Judicial Magistrate, Arcot, within a period of 15 days from the date of receipt of a copy of this order on his executing 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 the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30.p.m., until further orders.

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

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

[e] 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]**.

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

-sd/-
18/06/2018

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 DISTRICT MUNSIF-CUM-
JUDICIAL MAGISTRATE, ARCOT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
ARCOT TOWN POLICE STATION,
ARCOT, VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.D.BALAJI Advocate on payment of necessary
charges in SR.NO. 10931

CRL OP.15575/2018

Date :18/06/2018

MLT-25/06/2018