

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.17799 of 2018

SARANRAJ

[PETITIONER / ACCUSED]

Vs

STATE BY INSPECTOR OF POLICE, [RESPONDENT]
INSPECTOR OF POLICE,
SADRAS POLICE STATION,
KANCHEEPURAM DISTRICT.
CR.NO.452 OF 2017

For Petitioner : M/S.K.RAVI 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 seeks anticipatory bail in Crime No.452 of 2017 registered by the respondent police for the offence under Section 380 of IPC.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with other accused committed theft of iron rods, angles and clamps worth about Rs.30,000/- from the construction site.

3. The learned counsel for the petitioner would submit that the petitioner was earlier granted anticipatory bail by this Court by an order dated 20.04.2018 to the condition that the petitioner should deposit a sum of Rs.10,000/- to the credit of Crime No.452 of 2017 and also he should surrender before the learned Judicial Magistrate, Thirukazhukundram, within a period of 15 days or else the order shall stand automatically cancelled. He would submit that due to his illness, the petitioner was unable to appear before the learned Judicial Magistrate, Thirukazhukundram, within a period of 15 days and that meanwhile, the period for filing a petition for extension of time was lapsed and thereby, the present anticipatory bail application has been filed.

4. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner was granted anticipatory bail on 20.04.2018, but, he had not appeared before the concerned Court,

within a period of 15 days as granted by this Court. He would submit that the petitioner may be granted anticipatory bail on imposing some stringent conditions.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, I am inclined to grant anticipatory bail to the petitioner with stringent conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirukazhukundram, 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 to 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.452 of 2017 before the said Court before executing the bond.

[b] The final order in respect of the said deposit shall be passed by the trial Judge at conclusion of trial.

[c] the petitioner shall pay the cost of Rs.2,500/- (Rupees Two Thousand and Five hundred only) to the concerned Taluk Legal Services Authorities.

[d] if the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[e] the petitioner shall report before the respondent police daily at 10.30.a.m. until further orders.

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

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

[h] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second petitioner is 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]**.

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

-sd/-
19/07/2018

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,
THIRUKAZHUKUNDRAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SADRAS POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SECRETARY,
TALUK LEGAL SERVICES AUTHORITIES,
KANCHIPURAM DISTRICT.

+1CC to M/S.K.RAVI Advocate on payment of necessary
charges in SR.NO. 13400

CRL OP.17799/2018

Date :19/07/2018

MLT-26/07/2018