

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.13033 of 2018

DIVAKAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

KATTUR POLICE STATION,

TIRUVALLUR DISTRICT.

CR.NO 48 OF 2018

For Petitioner : M/S.S.DEIVASIGAMANI Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. 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.48 of 2018 registered by the respondent police for the offence punishable under Section 379 of IPC.

2. The petitioner is A2. The case of the prosecution as per the *de facto* complainant Suriya is that the petitioner along with the other accused waylaid the *de facto* complainant, threatened him and committed robbery of his mobile phone worth about Rs.7,000/-.

3. The learned counsel for the petitioner would submit that the petitioner is the friend of A1, who is known to the *defacto* complainant and that there was a quarrel between them, a false complaint has been given as if he committed theft of mobile phone. He would further submit that to prove his *bona fide*, the petitioner is prepared to deposit a sum of Rs.7,000/- at the time of executing sureties.

4. The learned Additional Public Prosecutor submitted that the petitioner along with the other accused waylaid the *defacto* complainant and robbed the cellphone from the *defacto* complainant. He would submit that there is no previous case against the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the counsels and the petitioner is prepared to deposit a sum of Rs.7,000/-, I am inclined to grant anticipatory

bail to the petitioner subject to the following 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-II, Ponneri, Tiruvallur District, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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 said Magistrate, on further condition that:

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the petitioner shall make a deposit of Rs.7,000/- (Rupees Seven Thousand only) to the credit of Crime No.48 of 2018, without prejudice to his defence before the trial Court and thereafter, the learned Judicial Magistrate concerned shall accept the sureties furnished by the petitioner;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

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

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

[f] 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]**.

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

-sd/-

06/06/2018

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 JUDICIAL MAGISTRATE,
NO-II, PONNERI, THIRUVALLUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KATTUR POLICE STATION,
TIRUVALLUR DISTRICT.

+1 CC to M/S.S.DEIVASIGAMANI Advocate on payment of necessary
charges SR.NO. 10092

CRL OP.13033/2018

Date :06/06/2018

RD 11/06/2018