

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of October Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.22877 of 2018

B.SUBASH,

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE SUB-INSPECTOR OF POLICE,
KATPADI POLICE STATION,
VELLORE DISTRICT.
CR.NO.227 OF 2018

[RESPONDENT]

For Petitioner : MR.JENY V.V. SUNDAR, Advocate for
M/S.S.JOEL Advocate

For Respondent : MR. K.PRABAKAR, 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 for the alleged offence u/s 379 of IPC in Crime No.227 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

सत्यमेव जयते

3. The learned counsel for the petitioner would submit that three anticipatory bail applications filed earlier on behalf of the petitioner were dismissed and this is the 4th application. He would submit that the change of circumstances is that the main accused in this case A1 and A2 have been arrested and the vehicles involved in the cases have been recovered by the respondent police based on their confessions. He would also submit that the petitioner has been implicated only based on the confession statement recorded from the other accused and he would also submit that the arrested accused have been enlarged on bail. He would further submit that the petitioner is aged about 20 years and apart from these five cases in which he has been implicated based only on the confession of the other accused, no other cases have been registered against him.

4. The learned Additional Public Prosecutor would submit that the petitioner along with the other accused were involved in the commission of theft of two wheelers. He would further submit that the petitioner has been implicated in this case, only on the confession statement of A1. He would submit that the vehicles have been recovered based on the confession of the arrested accused. Further, the arrested accused were enlarged on bail.

5. Taking into consideration the facts and circumstances of the case, though three earlier applications have been dismissed by this Court, the respondent police have not taken steps to arrest the petitioner.

6. Further, the arrested accused have been enlarged on bail and the vehicles have also been recovered and thereby this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. (i) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Katpadi, 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 **(out of the two sureties one shall be either the father or mother of the petitioner)** each for a like sum to the satisfaction of the learned Magistrate concerned.

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

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

[c] the petitioner shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
10/10/2018

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,
KATPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
KATPADI POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S.S.JOEL Advocate on payment of necessary charges
SR.NO.19299

CRL OP.22877/2018

Date :10/10/2018

TA-15/10/2018

WEB COPY