

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Second day of October Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.23856 of 2018

MAYIL @ JEGAN @ JEGADEESAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE (CRIME),
M-8, SATHANGADU POLICE STATION,
SATHANKADU, CHENNAI.
CR.NO.326 OF 2018.

[RESPONDENT]

For Petitioner : M/S.S.PONNIVALAVAN 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 at the hands of the respondent police for the alleged offence punishable under Section 397 of IPC in Crime No.326 of 2018, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that on 10.06.2018 at 10.00 a.m., the complainant namely Ganesan, who is working as a Security in Sathya Sai School, lodged a complaint against the petitioner. While he was returning from School, near 2nd Street, Kamaraj Nagar, some unknown persons have threatened the public with knife. When the complainant questioned the petitioner, he threatened him and taken Rs.2,250/- from his pocket along with one Lava Basic Model phone and also attacked him with knife. For which the complainant sustained grievous injuries and went to the hospital for taking treatment.

4. The learned counsel for the petitioner would submit that though this is the third application, the respondents despite the earlier dismissals have not taken any steps to arrest the petitioner. He would submit that the other arrested accused have been enlarged on bail. He further submit that the petitioner is aged about 19 years and that he has been implicated in this case only based on the confession of the other accused. Further he would submit that though the prosecution claims that the petitioner has been found in the CCTV footage, till date no materials have been

recovered by the respondent to show that the petitioner is involved in the offence. Further he would submit that any stringent condition may be imposed on the petitioner to appear before the respondent police.

5. The learned Additional Public Prosecutor would submit that the petitioner along with the other accused has involved in the commission of the offences as stated above. He would further submit that the petitioner has been implicated in this case, on the confession statement of other co-accused and on the basis of the footages in the CCTV Camera at the location. However he would submit that the footages have not been recovered. Further, the arrested accused were enlarged on bail.

6. Taking into consideration the nature of allegations against the petitioner, submissions made by the learned counsel for the petitioner and that no steps have been taken by the respondent police to arrest the petitioner, despite earlier applications being dismissed. This Court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

7. 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, Thiruvottiyur, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 and on further condition that:

[a] if the petitioner fail to surrender before the concerned Magistrate within a period of 15 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
22/10/2018

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,
THIRUVOTTIYUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE (CRIME),
M-8, SATHANGADU POLICE STATION,
SATHANKADU, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.PONNIVALAVAN Advocate on payment of necessary charges in SR.NO. 19722

CRL OP.23856/2018

Date :22/10/2018

MLT-23/10/2018

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