

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirtieth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.25301 of 2018

SARATHPANDI

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY
INSPECTOR OF POLICE,
R.S.PURAM POLICE STATION,
COIMBATORE DISTRICT.
(CRIME NO.825 OF 2018)

[RESPONDENT]

For Petitioner : M/S.J.FRANKLIN Advocate

For Respondent : MR.R.RAVICHANDRAN Government Advocate

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 under Sections 364A, 395(A) r/w.397 of I.P.C. in Cr.No.825 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused is alleged to have kidnapped the defacto complainant and demanded a huge sum. Thereafter he was released, however, a sum of Rs.1,62,000/- was robbed from the defacto complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. The learned counsel would further submit that earlier the petitioner had filed CrI.O.P.No.19898 of 2018 seeking anticipatory bail. The said petition was dismissed by this Court vide order dated 31.08.2018 on the ground that major portion of the amount robbed was not recovered.

4.The learned counsel appearing for the petitioner, on instructions, would further submit that the petitioner inorder to

show his bonafide and without prejudice to his rights is ready to abide by the conditions that is to be imposed by this Court and he is also ready to deposit the amount that is to be imposed by this Court.

5.The learned Government Advocate would submit that the petitioner is arrayed as A13. He would further submit that the petitioner along with the other accused kidnapped the defacto complainant and demanded a huge sum. Thereafter the defacto complainant was released, however, a sum of Rs.1,62,000/- was robbed from him.

6.The learned Government Advocate would further submit that the earlier criminal original petition filed by the petitioner seeking anticipatory bail in CrI.O.P.No.19898 of 2018 was dismissed by this Court on 31.08.2018. Subsequently, the petitioner met with an accident and was admitted in Hospital. Hence, the respondent Police was not able to arrest him on humanitarian ground. He would further submit that there are three previous cases of different nature pending as against the petitioner.

7.Considering the fact that the petitioner inorder to show his bonafide and without prejudice to his rights is ready to deposit the amount that is to be imposed by this Court, this Court is inclined to grant anticipatory bail to the petitioner.

8.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 No.1, Coimbatore**, 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 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.50,000/- (Rupees Fifty Thousand Only) to the credit of Cr.No.825 of 2018 before the learned **(*) Judicial Magistrate No.1, Coimbatore**, within a period of two weeks from the date of receipt of a copy of this order;

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

30/11/2018

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.

(*) Amended as per order of this Honble court dated 18.01.2019 made in CRL.M.P.No.682 of 2019 in CRL.O.P.No.25301 of 2018.

TO

1 THE JUDICIAL MAGISTRATE NO.I
THIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 **(*) THE JUDICIAL MAGISTRATE NO.I
COIMBATORE**

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
R.S.PURAM POLICE STATION,
COIMBATORE DISTRICT

+1 CC to M/S.J.FRANKLIN Advocate on payment of necessary charges
SR.NO.1128

CRL OP.25301/2018

Date : 30/11/2018

cm 04/12/2018

cm 25/01/2019