

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.6853 of 2020

L.Sasikumar

... Petitioner

Vs.

The State Represented by,  
The Inspector of Police,  
Sunguvarchatram Police Station,  
Kancheepuram District.  
(Cr.No.34 of 2020) ... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.34 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.E.Lakshmipathy

For Respondent : Mr.M.Mohamed Riyaz,  
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC, in Crime No.34 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz., M.Sundar Manickam, Manager, M/s. Kalpatharu Power Transmission Ltd., is that some unknown persons committed theft of EB aluminium wire, which is worth about Rs.2,50,000/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that this is the second application for anticipatory bail. He would submit that since the petitioner had not given sufficient instructions to the earlier Counsel, he had withdrawn the earlier petition as not pressed. He would submit that the petitioner is

an innocent person and on 03.02.2020, the petitioner was returning from Kancheepuram after distributing the wedding invitations of his sister's daughter, which was fixed on 21.02.2020. While so, he had parked his motorcycle on the road side near the factory of the defacto complainant to attend nature's call. At that time he had seen few persons running towards him. Fearing that they were are attempting to rob him, the petitioner left his motorcycle and ran away from that place to safeguard himself. Later, when he had returned, his bike was found missing. Unfortunately, his bike was seized by the respondent police and the petitioner was suspected to be one among the persons who has committed theft in the factory of the defacto complainant and that the petitioner's name was also falsely implicated based on the registration number of the two wheeler. He would further submit that the petitioner is a permanent resident of Kancheepuram and he is prepared to abide by any stringent condition that may be imposed on him and that he has no previous case against him.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused had gone to the factory of the defacto complainant and committed theft of wires and other electrical items. When the watchman of the factory and other neighbouring lands, attempted to apprehend them, the accused left a mobile phone and a motorcycle bearing Regn. No.21 H 7223 at the place of occurrence and ran away. Later, it was found that the petitioner is the owner of the motorcycle. Hence, he vehemently opposed for grant of anticipatory bail.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy is made ready, before the learned District Munsif cum Judicial Magistrate, Sriperumbudhur, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[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 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-  
16/10/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
SRIPERUMBUDUR.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
SUNGUVAR CHATTRAM POLICE STATION,  
KANCHEEPURAM DISTRICT.

CC to M/S. E.LAKSHMIPATHY Advocate on payment of necessary charges

CRL OP.6853/2020

Date :16/10/2020

MK:23/10/2020