

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.7143 of 2020

SathishKumar,
S/o.Dharmalingam
No.1/115A, Moovender Street,
Karigalan Nagar,
Padiyanallur, Chennai-600 052. Petitioner

State rep. by
Inspector of Police,
M2, Madavaram Milk Colony,
Chennai.
Crime No.29 of 2020.Respondent

Vs.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on Anticipatory bail in the event of his concerned in Crime No.29 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.R.Sureshkumar

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offences under Sections 294(b), 341, 336, 427, 392, 397 and 506(ii) of IPC in Crime No.29 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that while the de-facto complainant was proceeding to his job at Tasmac shop, the petitioner and two other accused persons waylaid the de-facto complainant and taken away Rs.1200/- and a Samsung cell phone from his pocket.

3. The learned counsel for the petitioner submitted that the petitioner has nothing to do with the alleged offence and he has been falsely implicated in this case. He further submitted that, this Court already granted anticipatory bail petition in Crl.O.P.No.2902 of 2020 on 11.02.2020, whereas the petitioner has not furnish the sureties within a time period. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the

overt act attributed against the petitioner is that he caught hold of the victim of the offence. He further submitted that the petitioner has already granted anticipatory bail in Crl.O.P.No.2902 of 2020 on 11.02.2020 but he failed to comply the conditions within a stipulated period of time. He also further submitted that there are no previous cases pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the fact that there are no previous cases pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) as non refundable deposit to the credit of the **concerned District/Taluk Legal Services Authority** and on such deposit, 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 on which the order copy made ready, before the **learned Judicial Magistrate, Madhavaram** on condition that the petitioner shall execute a separate bond for a sum of

Rs.10,000/- (Rupees ten thousand only) with **one surety** 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 surety 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 deposit a sum of **Rs.5,000/- (Rupees five thousand only)** as **non refundable deposit to the credit of the concerned District/Taluk Legal Services Authority.**

[c] the petitioner shall report before the respondent police 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 229A IPC.

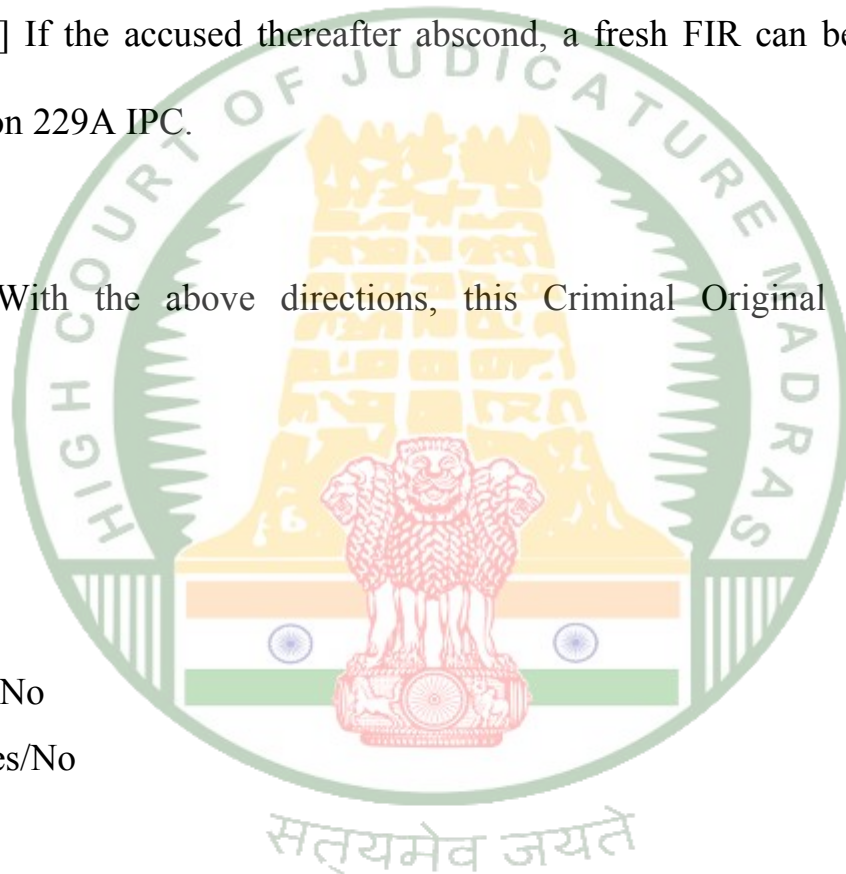
8.With the above directions, this Criminal Original Petition is ordered.

Index : Yes/No

Internet : Yes/No

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02.06.2020



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A.D.JAGADISH CHANDIRA, J.

To

1. The learned Judicial Magistrate, Madhavaram.
2. The Inspector of Police,
M2, Madavaram Milk Colony,
Chennai.

Crime No.29 of 2020.

3. The Public Prosecutor,
High Court, Madras.



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