

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.06.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8094 of 2020

Naseer Ahamed

... Petitioner

Vs.

State rep. By
The Inspector of Police,
Uthukuli Police Station,
Tirupur District.
(Crime No.133/2020)

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to enlarge the petitioner on anticipatory bail in Crime No.133 of 2020 the event of his arrest on the file of the respondent police.

For Petitioner : Mr.N.Stalin

For Respondent : Mr.K.Prabhakar,
Add Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Section 399 IPC in Crime No.133 of 2020 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused was preparing to commit robbery. Hence, the complaint.

3 .The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner along with others was preparing to commit dacoity. He would further submit that co-accused were arrested and remanded to judicial custody prior to lock down. Hence, he opposed for grant of anticipatory bail to the petitioner.

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

6. 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 on which the order copy made ready, before the **learned District Munsif-cum- Judicial Magistrate, Uthukuli**, on condition that the petitioner shall execute a 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 report before the respondent police as and when required for interrogation.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

03/06/2020

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,
UTHUKULI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

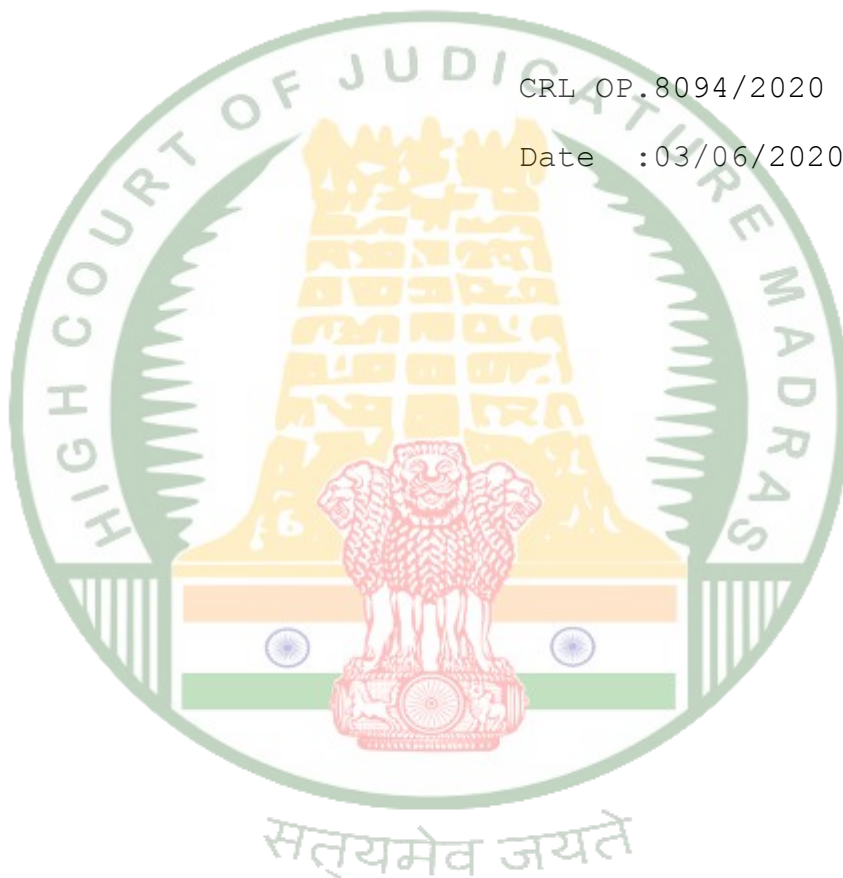
4 THE INSPECTOR OF POLICE,
UTHUKULI POLICE STATION,
TIRUPUR DISTRICT.

CC to MR.N.STALIN, Advocate on payment of necessary charges

CRL OP.8094/2020

Date :03/06/2020

TA-10/06/2020



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