

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 09.06.2020

CORAM

THE HONOURABLE MR.JUSTICE.N.ANAND VENKATESH

Crl.O.P.No.8294 of 2020

Vijay
S/o. Murugan

... Petitioner

vs.

State rep. By
The Inspector of Police
Tiruppur South Police Station,
Tiruppur District.
(Cr.No.807 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 Cr.No.807 of 2020 on the file of the Inspector of Police, Tiruppur South Police Station, Tiruppur District.

For Petitioner : Mr.C.S. Saravanan

For Respondent : Mr. M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

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The petitioner/A5, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 399, 402 of IPC in Crime No.807 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons were preparing to commit a robbery.

3. The learned counsel for the petitioner submitted that the petitioner is ranked as A5 and he has been falsely implicated in this case.

4. Mr.Mohammed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondent, submitted that A1 to A4 were already arrested and remanded to judicial custody. The learned counsel further submitted that all the accused persons were preparing themselves to commit robbery. The learned counsel further submitted that there are no previous case against these petitioner.

5. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate II, Tiruppur, on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five 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 petitioners 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 petitioners are directed to appear before the respondent police, as and when required.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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