

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2020

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**Crl.O.P.No.8429 of 2020**

Mohammed Arif @ Arif@ Bandu

...Petitioner/Accused No.8

Vs

The State rep. by
The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.
(Crime No. 17 of 2020)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on Anticipatory bail in the event of his arrest in Crime No: 17 of 2020 pending investigation on file of the respondent Police.

For petitioner : Mr.M.Zainul Abideen

For respondent : Mr.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 397 of IPC in Crime No.17 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the de facto complainant was playing cards along with his friends and at that point of time, the accused persons had snatched away a sum of Rs.1,50,000/-. There are totally nine accused persons in this case and the petitioner is ranked as A9.

3. The learned counsel for the petitioner submitted that the petitioner has nothing to do with the alleged offense and he has been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing on behalf of the respondent Police submitted that all the accused persons were arrested and a sum of Rs.40,000/- was also recovered. The learned counsel further submitted that this petitioner has been made as an accused based on the confession given by the co-accused. It was further submitted that there are no previous cases against the petitioner.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 Judicial Magistrate No.2, Coimbatore, on condition that the petitioner shall execute a separate 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 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 deposit a sum of Rs.5,000/- (Rupees Five thousand only) as non refundable deposit to the credit of the **Tamil Nadu Advocate Clerks Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157).**

[c] the petitioner shall report before the respondent police every Monday at 10.30 am for a period of four weeks thereafter 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.

10.06.2020

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To

- 1.The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.
- 2.The Judicial Magistrate Court No.2,
Coimbatore.
- 3.The Additional Public Prosecutor,
Chennai.



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N.ANAND VENKATESH., J.

Pns



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