

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.9260 of 2020

Sarathkumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Pallikonda Police Station,
Pallikonda, Vellore District.
(Cr. No.402 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest in
Crime No.402 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Vinodh Kmar

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

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 399 of IPC in Crime No.402 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused were standing under the river bridge and were talking something and on seeing the police officials, they tried to escape. The respondent police caught A3, A4 and A6 and made enquiry. On enquiry, the respondent police came to know that the petitioner along with the other accused have planned to commit dacoity. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner prepared to commit robbery and there are no previous cases pending against the petitioner. Hence he opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 Judicial Magistrate No.V, Vellore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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. for a period of four weeks and thereafter 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/s, a fresh FIR can be registered under Section 229A IPC.

24.06.2020

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

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To

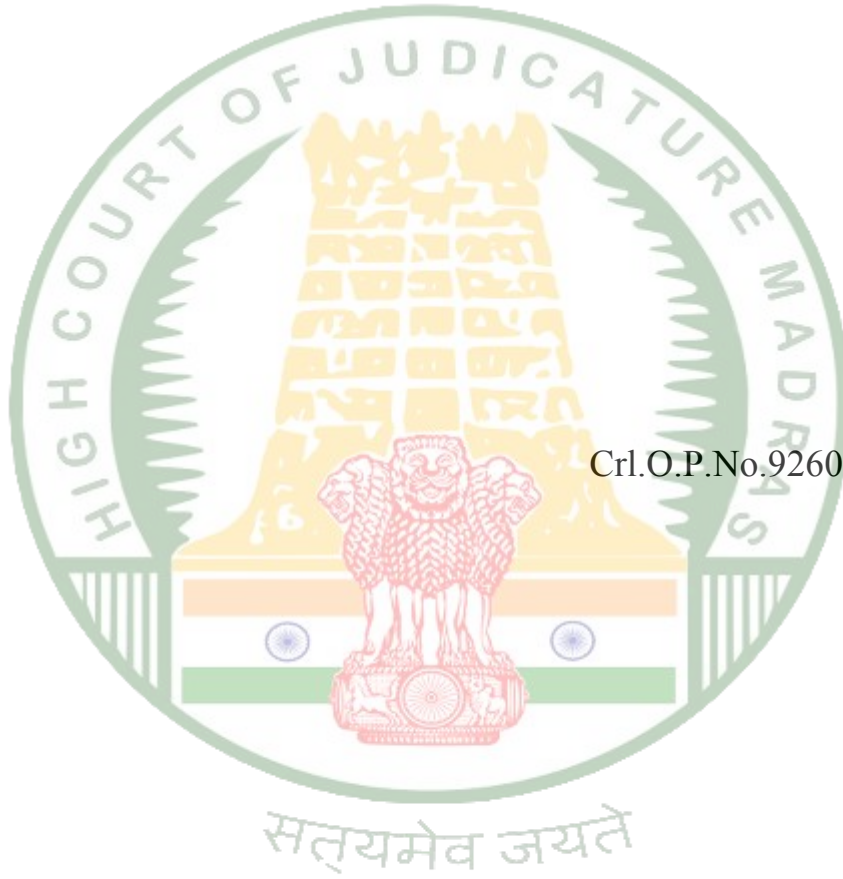
1. The Judicial Magistrate No.V, Vellore.
2. The Inspector of Police, Pallikonda Police Station,
Pallikonda, Vellore District.
3. The Public Prosecutor, Madras High Court, Chennai.



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G.K.ILANTHIRAIYAN, J

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