

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2020

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P No.9744 of 2020

1.Billa @ Sadeesh Babu
2.Makiri @ Suresh
3.Kalli @ Kalidass

.. Petitioners

vs.

The Inspector of Police,
Virinchipuram Police Station,
Vellore District.
(Cr. No. 424/2020)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, praying to enlarge the petitioners on bail in the event of their arrest by the respondent Police in Cr.No.424 of 2020 on the file of respondent Police.

For Petitioners : Mr.M.Sathish Kumar

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

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 457 and 380 of IPC in Crime No. 424 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the *de facto* complainant, while performing his regular duty as Security Guard, had found that four pairs of wooden doors were missing and hence, registered a complaint before the respondent Police and it is alleged that the petitioners are the accused.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the alleged theft of the wooden doors are worth about Rs.50,000/- and the theft doors were also recovered. He further submits that there is no previous case against the petitioners.

5. Considering the above fact and circumstances of the case and the fact that the wooden doors were recovered, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 - IV, Vellore District, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, out of which one shall be a blood related surety, 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 shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[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/s in accordance with law as if the conditions have been imposed and the petitioner/s 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/-
30/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE-IV,
VELLORE DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

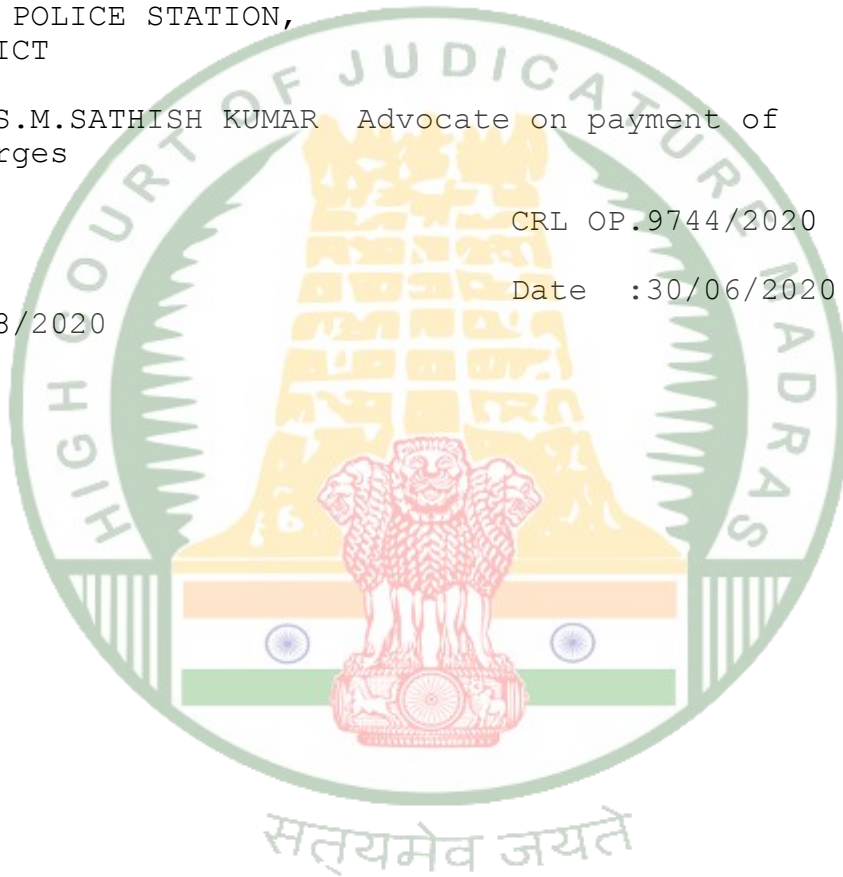
4 THE INSPECTOR OF POLICE,
VIRINCHIPURAM POLICE STATION,
VELLORE DISTRICT

CC to M/S.M.SATHISH KUMAR Advocate on payment of
necessary charges

CRL OP.9744/2020

Date :30/06/2020

GKS (RVR) :25/08/2020



WEB COPY