

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2020

CORAM:

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

CrI.O.P.No.10158 of 2020

Ganabathy

... Petitioner

Vs.

State By

The Inspector of Police,
V1 Villivakkam Police Station,
Villivakkam, Chennai.
Crime No.693 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of his arrest by the respondent in Crime No.693 of 2020 under Section 399 of IPC on the file of the respondent.

For Petitioner : Mr.S.Senthil Kumar

For Respondent : Mr.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 399 of IPC, in Crime No.693 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the respondent police was patrolling, at the time the petitioner along with other accused persons planning to commit robbery, which was found by the respondent police. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there is one previous case against the petitioner, which was registered under Section 384 of IPC. However, he opposed for the grant of anticipatory bail.

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 Metropolitan Magistrate No.XIII, Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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 report before the respondent police daily at 10.30 a.m. until further orders.

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

07/07/2020

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 NO.XIII METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
V1, VILLIWAKKAM POLICE STATION,
VILLIWAKKAM, CHENNAI.

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

CRL OP.10158/2020

Date :07/07/2020

RVR 01/09/2020



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