

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11493 of 2020

Sethupathi

... Petitioner/Accused No.2

Vs.

The State represented by, ... Respondent/Complainant
The Sub Inspector of Police,
Steel Plant Police Station,
Salem City, Salem District.
(Crime No. 514 of 2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant an anticipatory bail to the petitioner in the event of his arrest or on his appearance before any court in connection with the case in crime No. 514 of 2019 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Dineshkumar

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged non bailable offences punishable under Sections 341, 392, 397 and 506(ii) of IPC, in Crime No. 514 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that the petitioner along with other accused have robbed a sum of Rs.500/- and 10 pairs of silver anklets, weight of the silver anklets is ½ kg, which worth Rs.25,000/- from the defacto complainant and intimidated him. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false complaint has been registered with an intention to detain the petitioner under Act 14. He would submit that the very reading of the First Information Report will prove the same. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with the other accused waylaid the defacto complainant and robbed silver articles worth Rs.25,000/- and Rs.500/- in cash. The first accused and third accused in this case were arrested and the 1st accused was detained under Act 14/82 and the third accused has been granted bail by this Court in Crl.O.P.No.9445 of 2020 on 25.06.2020. He would further submit that there are two previous cases pending against the petitioner. Hence, he opposes to grant anticipatory bail to the petitioner.

5 Heard both sides and perused FIR carefully.

6 Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7 Accordingly, the petitioner is directed to be released on bail in the event of his 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.I, Salem, on condition that the petitioner shall execute a separate 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 every day at 10.30 a.m., and 05.30 p.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.

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

-sd/-
05/08/2020

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 THE JUDICIAL MAGISTRATE NO.I,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
STEEL PLANT POLICE STATION,
SALEM CITY, SALEM DISTRICT.

CC to M/S.R.DINESHKUMAR Advocate on payment of necessary charges

WEB COPY CRL OP.11493/2020
Date :05/08/2020

TA-21/09/2020