

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.11779 of 2020

1.Saravanan ... Petitioners

2.Bass @ Baskaran @ Ashok Kumar

Vs.

The State Represented by, ...Respondent

The Inspector of Police,
Sathuvacheri Police Station,
Sathuvacheri, Tiruvannamalai District.
(Crime No.890 of 2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioners in the event of their arrest by the respondent police in Crime No.890 of 2020 on the file of the Inspector of Police, Sathuvacheri Police Station, Sathuvacheri, Tiruvannamalai District.

For Petitioners : Mr.G.Vinodh Kumar

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

ORDER

(The case has been heard through video conference)

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Section 380 of IPC in Crime No.890 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused robbed 7 batteries and 4 front wheels from the Stock Yard of the Tractor Dealer. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution and a false case has been foisted against them. He further submitted that based on the confession statement, the petitioners were implicated in this case. The entire stolen properties have been recovered from the arrested accused and they have been granted bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the defacto complainant is the Manager of Dharani Motors. On 22.07.2020, 7 batteries and 4 front wheels were stolen from the tractors in the stockyard . After verifying the CCTV footage, the defacto complainant came to know that the petitioners along with other accused robbed 7 batteries and 4 front wheels from the Stock Yard. He further submitted that there are no previous cases pending against the petitioners.

5. 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;

6. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, **within a period of fifteen after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, before the **learned Judicial Magistrate No.V, Vellore**, on condition that each of the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 every Monday at 10.30 a.m. until further orders.

[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 petitioners in accordance with law as if the conditions

have been imposed and the petitioners 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.

8.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.V,
VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SATHUVACHERI POLICE STATION,
SATHUVACHERI, VELLORE DISTRICT.

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

CRL OP.11779/2020

Date :05/08/2020

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TA-22/09/2020