

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P.No.12220 of 2020

Santhosh @ Katukal Santhosh ... Petitioner/2nd Accused

Vs.

The State represented by,
The Inspector of Police
Pallikonda Police Station,
Vellore District.

(Crime No. 402 of 2020) ... Respondent/Complainant

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

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.K.Prabakar

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 alleged offence punishable under Section 399 of IPC, in Crime No. 402 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant is that while he was on his usual rounds, had seen the petitioner along with other accused making preparation for committing robbery. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, since, he happens to be the friend of the other accused, he has been falsely implicated in this case. He would submit that as far as this petitioner is concerned, there is no previous case pending against him. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor would submit that the petitioner along with other accused was found in making preparation for committing robbery and that on seeing the police, they have escaped from the scene of occurrence. He would submit that A3, A4 & A6 have been remanded and A1 & A5 are absconding and that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

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

6 Accordingly, the petitioner is directed to be released on bail in the event of her arrest or on her 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, Vellore District, 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., 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/-
13/08/2020

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.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.12220/2020

Date : 13/08/2020

MK:26/08/2020

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