

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDRA

Crl.O.P No.12391 of 2020

M.Amuthan

... Petitioner

Vs.

The Sub Inspector of Police,
Madhuranthakam Police Station,
Chengalpattu District.
(Crime No.934 of 2020)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of arrest in Crime No.934 of 2020 on the file of the respondent Police.

For Petitioner : Mr.M.Ganesh

For Respondent : Mr.K.Prabhakar
Additional Public Prosecutor

O R D E R

(This 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 Sections 379 and 285 of IPC in Crime No.934 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 committed theft of Furnace Oil from tanker lorry and illegally sold them. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged and he has been falsely implicated in this case. He further submitted that the petitioner was already granted Anticipatory Bail in Crl.O.P.No.9110 of 2020 dated 22.06.2020 and due to lockdown the petitioner was unable to travel from his native place and was unable to furnish the surety and execute the bond thereby earlier order got lapsed. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submits that the petitioner with the help of the driver stolen 200 litres of Furnace Oil from the tanker lorry and sold it illegally. He further submits that no other case is pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Maduranthakam, 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., for a period of two weeks and thereafter as and when required.

[c] the petitioner is directed to pay a sum of Rs.5,000/- to the District Legal Services Authority, Chengalpet and produce the receipt at the time of surrender.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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.

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

-sd/-
17/08/2020

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,
MADURANTHAKAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MADHURANTHAKAM POLICE STATION,
MADHURANTHAKAM,
CHENGALPATTU DISTRICT.

4 THE OFFICER INCHARGE
THE DISTRICT LEGAL SERVICES AUTHORITY,
CHENGALPET.

5 THE SECRETARY
HIGH COURT LEGAL SERVICES COMMITTEE,
HIGH COURT, MADRAS.

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

CRL OP.12391/2020

Date :17/08/2020

cs 08/09/2020

cs 24/09/2020