

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13092 of 2020

T.Basheer Ahamed

... Petitioner

Vs.

The State Rep.by,

The Sub Inspector of Police,

Nannilam Police Station,

Tiruvarur District.

Crime No.1487 of 2020

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 482 Cr.P.C., to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent police in Cr.No.1487 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Parthasarathi

For Respondent : Mr.M.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 alleged offences punishable under Sections 379 and 4(1)(aaa) in Crime No.1487 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has committed theft of IMFL bottles from a broke down Tasmac vehicle. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case, since it happens to be the resident of Achuthamangalam Village.

4.The learned Additional Public Prosecutor would submit that the petitioner along with other accused committed theft of IMFL bottles from the broke down Tasmac vehicle. He would further submit that there is no previous case pending against him.

5.Taking into consideration the facts and circumstances of the case and submissions made by 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 arrest or on their appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Tiruvarur, on condition that 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 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 for a period of two(2) weeks and thereafter, every Monday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
27/08/2020

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,
TIRUVARUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR POLICE,
NANNILAM POLICE STATION,
TIRUVARUR DISTRICT.

CC to S.PARTHASARATHI Advocate on payment of necessary charges

CRL OP.13092/2020

Date :27/08/2020

MK:11/09/2020

सत्यमेव जयते

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