

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13430 of 2020

1. Vicky @ Vignesh
2. Kasim
3. Dharvis
4. Dhanasekar Surya

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai.
Crime No.2715 of 2020

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioners in the event of their arrest in Crime No.2715 of 2020 on the file of the respondent police.

For Petitioners : Mr. M. Jaikumar

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences publishable under Section 399 of I.P.C in Crime No.2715 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in possession of small knife and the police party when enquiring the petitioners stating that they were planning to commit robbery for money for their bad habits. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners

4. The learned Additional Public Prosecutor would submit that the petitioners are found to commit a robbery. As far as the first petitioner has no previous case, second petitioner has five previous, third petitioner has two previous case and the fourth petitioner has no previous case. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel since the first and fourth petitioner has no previous case, this Court is inclined to grant anticipatory bail to the first and fourth petitioners, however the second and third petitioner have three and two previous cases respectively, this Court is not inclined to grant anticipatory bail to the third and fourth petitioners.

6. Accordingly, the first and fourth petitioner are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Tiruvannamalai, on condition that each of the petitioners 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 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 first and fourth petitioners shall report before the respondent police everyday at 10.30a.m and 12.30p.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 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.

With the above direction, this Criminal Original Petition is ordered.

-sd/-

01/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, TIRUVANNAMALAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI EAST POLICE STATION,
TIRUVANNAMALAI.

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

CRL OP.13430/2020

Date :01/09/2020

RVR 22/09/2020



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