

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.13660 of 2020

Nachiappan

... Petitioner

Vs.

State of Tamil Nadu represented by its:

The Inspector of Police,
Ennore Police Station,
Tiruvallur District.
(in Crime No.1197/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of arrest in connection with the Crime No.1197 of 2020 on the file of the respondent police pending investigation.

For Petitioner : Mr.A.Thirumaran

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Section 392 of IPC in Crime No.1197 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons have robbed two wheeler from the defacto complaint at knife point. There are totally six accused, in which, the petitioner is arrayed as 6th accused and other accused persons have arrested and remanded to judicial custody.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case without any evidence. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there are totally six accused persons, they have robbed two wheeler on 04.06.2020, at Ennore and this is the 3rd anticipatory bail application of the petitioner herein.

5. Heard the learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

6. Considering the above fact and circumstances of the case and the fact that the petitioner's name is not found in the FIR, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thiruvottiyur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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 daily at 10.30 a.m. and 05.00 p.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.

-sd/-

04/09/2020

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,
THIRUVOTTIYUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ENNORE POLICE STATION,
TIRUVALLUR DISTRICT.

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

CRL OP.13660/2020

Date :04/09/2020

MK:17/09/2020

सत्यमेव जयते

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