

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.14379 of 2020

(*) Pandian @ Vignesh

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
Crime No.124 of 2020

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 438 of Cr.P.C. To enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Cr.No.124 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.Mahesh Kumar

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 457 and 380 of IPC in Crime No.124 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that on 17.06.2019, the petitioner and other accused have stolen an idol and Thiruvaachi, Soolam, Silver Eye lid (2 Nos.), imitated gold Aaram Chain, two grams of thirumaangalyam ad some pooja articles, worth about Rs.30,000/- of the Chellamuthu Maariyamman Temple, Chinnathumbur Village, Velankanni Taluk, Nagapattinam District.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and only on the confession of the arrested accused (A1), he has been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that this petitioner is A2. A1 has been arrested and he is in custody and the stolen articles were recovered from him. There is no previous case pending as against this petitioner.

5. Considering the above facts and circumstances of the case and the articles were recovered from A1, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date on which order copy made ready, before the learned Judicial Magistrate-I, Nagapattinam, on condition that the petitioner shall execute a 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30a.m., until further orders.

[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 petitioners 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].

[g] 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/-

16/09/2020

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.

**(*) AMENDED AS PER ORDER OF THIS COURT DATED 09/11/2020
MADE IN CRL.M.P.NO.6821 OF 2020**

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, NAGAPATTINAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VELANKANNI POLICE STATION,
NAGAPATTINAM DISTRICT

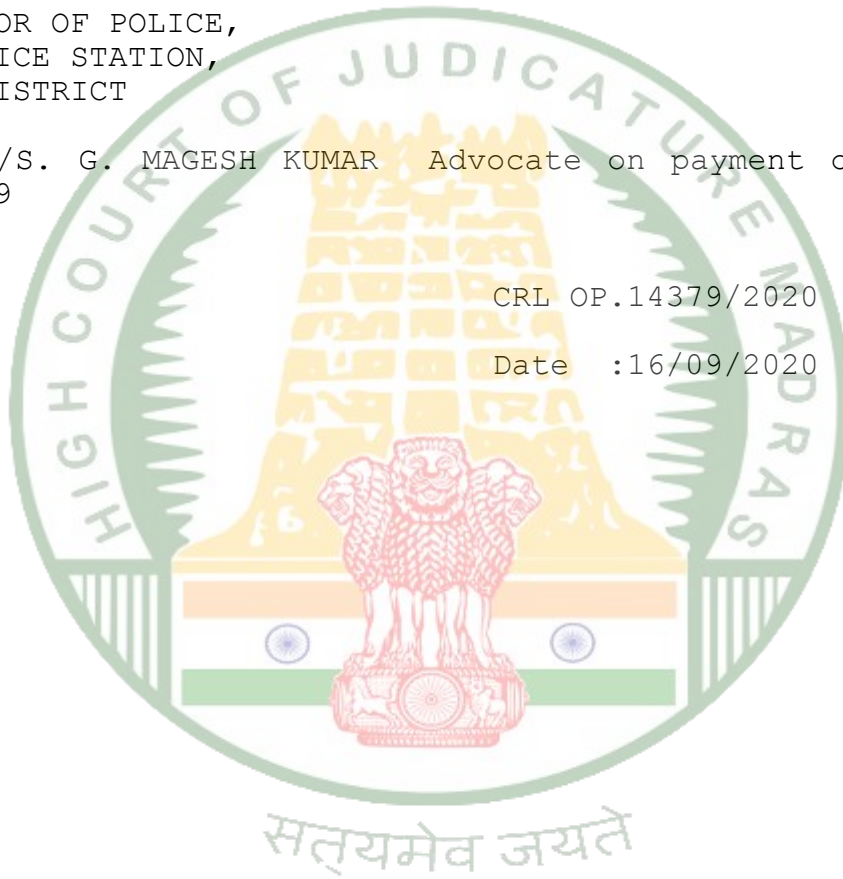
CC to M/S. G. MAGESH KUMAR Advocate on payment of necessary
charges Sr.7509

CRL OP.14379/2020

Date :16/09/2020

RVR 29/09/2020

RVR 08/12/2020



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