

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14656 of 2020

Periyasamy

... Petitioner

Vs.

State represented by
The Inspector of Police,
Perambalur Police Station,
Perambalur District.
(Crime No.758 of 2019).

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to grant an anticipatory bail to the petitioner in the event of his arrest in connection with Crime No.758 of 2019 on the file of the respondent.

For Petitioner : Mr.T.Ganesan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section **392 of IPC, in Crime No.758 of 2019** on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Jayalakshmi is that on 29.11.2019 while she was returning to her house along the Collector's Office, a person who had come behind her in a two wheeler bearing registration No.TN 46 F 7124 had dashed against her and also snatched 6 sovereigns of gold chain worth about Rs.72,000/- from her. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is being harassed by the respondent on suspicion. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The respondent has filed a detailed counter. Wherein para No.5, it has been stated that "In this case regard the accused is yet to be fixed. Only on basis of the outcome of scientific results gives more suspicious over the involvement of the accused/respondent. There are sufficient materials collected in this regard in the form of CCTV footage, Call details and Tower location of the accused/respondent."

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner who came in a two wheeler had dashed against the defacto complainant and also snatched 6 sovereigns of gold chain worth about Rs.72,000/-. He would further submit that only based on the out come of the scientific result, the accused can be fixed and the investigation is still pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and that the petitioner is only suspected to have been involved in the offence, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail, in the event of his arrest or on his appearance, **within a period of fifteen days from the date on which the copy of this order is made ready**, the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees fifteen 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 Judicial Magistrate No.I, Perambalur**, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] 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 every day at 10.30 a.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 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
05/10/2020

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,
PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT.

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

CRL OP.14656/2020

सत्यमेव जयते Date :05/10/2020

TA-14/10/2020

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