

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.Nos.15244 of 2020

1.Tamilselvan @ Selva
2.Madhesh @ Mahesh

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Bagalur Police Station,
Krishnagiri
(Crime No.473 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge bail in the event of arrest in connection with Crime No.473 of 2020 pending on the file of respondent police.

For Petitioners : Mr. R. Thiru Moorthy

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 punishable under Sections 454 and 380 IPC in Cr. No.473 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have committed theft of 7 sovereigns of gold from the house of the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Therefore, they pray to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners committed theft of 7 gold jewels from the house of the defacto complainant. He would further submit that the petitioners are having one previous case in Crime No.479 of 2020, which is similar in nature. In that case the petitioners were arrested and released on bail. However, based on the confession statement given by the petitioners in Crime No.479 of 2020, the present complaint has been registered against the petitioners. He would further submit that the investigation is still pending. Hence, he opposed to grant anticipatory bail to the petitioners.

5. At this juncture the learned counsel for the petitioner would submit that now the petitioners have now sought for anticipatory bail in Crime No.473 of 2020 and the petitioners were earlier arrested in Crime No.479 of 2020 and when they were in custody, the respondent police did not take steps to arrest them in crime No.473 of 2020. He would further submit that when the petitioners were released on bail in crime No.479 of 2020, they were complying with the conditions regularly.

6. Taking into consideration that the fact that even after release on bail the petitioners have been complying with the conditions in Crime No.479 of 2020, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[a] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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, Hosur, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] 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.

[c] the petitioners shall report before the Bagalur Police Station at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10:30 a.m until further orders.

[d] the petitioners shall appear before the Mathigiri Police Station at 5:30 p.m for a period of two weeks and thereafter on every Monday at 5.30 p.m until further orders

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate 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/-
28/09/2020

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,
NO.I, HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BAGALUR POLICE STATION,
KRISHNGIRI.

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

CRL OP.15244/2020

Date :28/09/2020