

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.15441 of 2020

T.Venkatesh,
S/o. Thirumalaiah. ... Petitioner

Vs.

State represented by,
The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District.
(Crime, No.787 of 2020). ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest in Crime
No.787 of 2020 pending investigation on the file of the respondent
police.

For Petitioner : Mr.M.Jayachandran

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

ORDER

(This Case has been heard through Video Conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections **379 IPC in Crime No.787 of 2020** on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 03.09.2020 the defacto complainant's electric motor pump was found missing by the unknown persons. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession recorded from the arrested person namely A2. He would further submit that motor pump has been recovered from A2. As far as this petitioner is concerned, there is no previous case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally three accused in this case, in which, the petitioner is

arrayed as A3. The petitioner along with other accused had committed theft of defacto complainant's motor pump. He would further submit that there is no previous case as against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and the fact that the motor pump has been recovered and that the petitioner is only implicated based on the confession of A2, 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 commencement of the Court's normal functioning,** before the learned Judicial Magistrate No.II, **Krishnagiri**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 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 10.30 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.

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

30.09.2020

Internet: Yes/No

mpa

To

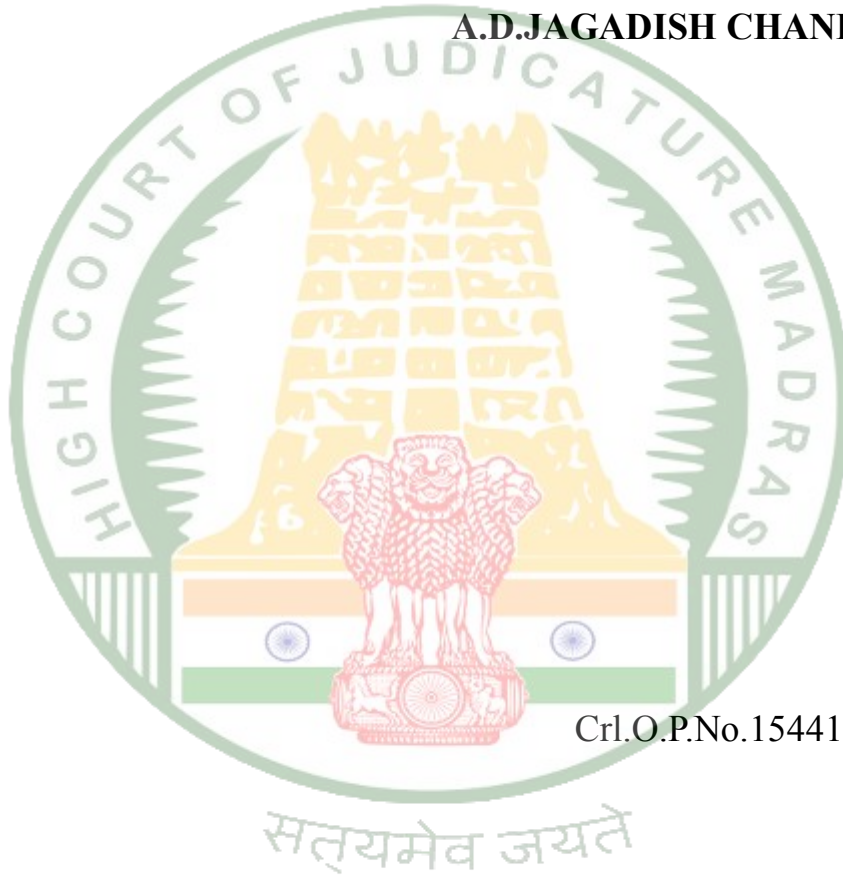
1. The learned Magistrate No.II, Krishnagiri.
2. The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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A.D.JAGADISH CHANDIRA, J

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