

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 15541 of 2020

S.Anbarasan

... Petitioner

Vs.

State rep. by:-

.... Respondent

The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.

[*] (Crime No.2535 of 2020)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in **[*]Crime No.2535 of 2020**, on the file of the respondent police.

For Petitioner : Mr.K.Thilageswaran

For Respondent : Mrs.S.Thankira

Government Advocate (Crl. Side)
[IN CRL.OP.NO.15541 OF 2020]

For Respondent : M/S.M.MOHAMMED RIYAZ

ADDITIONAL PUBLIC PROSECUTOR

[IN CRL.MP.NO.6247 OF 2020]

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 18.09.2020 for the offence punishable under Section 399 of IPC in **[*]Crime No.2535 of 2020** on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that on 18.09.2020 when he was on his usual rounds, he found that the petitioner along with other four accused was making preparation for committing dacoity and they were also in possession of deadly weapons to commit dacoity.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that it is a fact that the petitioner has two previous cases against him and, in order to put fetters on him, a false case has been foisted against him as if he was making preparation for committing dacoity. He would further submit that the petitioner was arrested on 18.09.2020 and is in custody for more than 13 days.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner along with other accused was found making preparation to commit dacoity and they were in possession of deadly weapons. She would further submit that the petitioner has two previous cases against him, one is registered by the Sunguvarchatram Police Station and another one is registered by the Manavalan Nagar Police station.

5.Taking into consideration the facts and submissions made by the learned counsel and that the petitioner is in custody from 18.09.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties (one should be a blood related surety and another one should be a Government surety) for a like sum to the satisfaction of the learned Judicial Magistrate, Sriperumbuthur, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner on his release from the prison shall report before the respondent police everyday at 10.30 a.m., and 5.30 p.m., until further orders and the petitioner shall not enter into the jurisdictional limits of the respondent police.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) 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.

-sd/-
01/10/2020

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.

[*]Amended as per order of this Court dated 13/10/2020 made in CRL.MP.NO.6247 OF 2020 IN CRL.OP.NO.15541 OF 2020

TO

1 THE JUDICIAL MAGISTRATE,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SRIPERUMBUDUR POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE JAILER,
SUB JAIL, KANCHEEPURAM.

+2 CC to M/S.K.THILAGESWARAN Advocate on payment of necessary charges SR.NOS.6822 & 6852

CRL OP.15541/2020

Date :01/10/2020