IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.15967 of 2020

K.Satheesh Kumar @ Kattupoochi ... Petitioner

Vs.

The State Represented by, ...Respondent
The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
(Cr.No.1431 of 2020)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.1431 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.K.Myilsamy
For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This 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 Section 399 of IPC in Crime No.1431 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz., Pugazhendi, Inspector of Police, Udumalpet is that on 12.09.2020, while he was on usual rounds, he found that the accused were speaking in a loud voice and planning to commit robbery. On seeing the Police, they ran away from the scene of occurrence. 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. He would further submit that the petitioner has got

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three previous cases and now, the respondent police has registered a false case against him. The petitioner is no connected with the other accused. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is a habitual offender and he has three previous cases, viz., one is the offence under Section 302 of IPC, another one is NDPS Act and yet another case is TNPPDL Act. He would further submit that on 12.09.2020, the petitioner along with other accused prepared a plan for committing robbery and on seeing the police, they ran away from the scene of occurrence. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate No.I, Udumali,** 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:

[a] 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.

[b] **the petitioner shall report before the respondent Police daily at 10.30 a.m., and 5.30 p.m., until further orders.**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].***

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

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

-sd/-
09/10/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.I,
UDUMALI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S.K.MYILSAMY Advocate on payment of necessary charges SR.NO.6800

CRL OP.15967/2020

Date :09/10/2020

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