

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.15881 of 2020

1.R. Thangavel

2.Selvam

3.Vadivel

4.Madheswaran @ Madhesh Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.

(Crime No. 1198 of 2020) Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of being arrested in Crime No.1198 of 2020, pending investigation on the file of the respondent police.

For Petitioners : M/s Dassandviswa Associates

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 alleged offences punishable under Sections 379, 341, 427 and 506(i) of IPC, in Crime No.1198 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de facto* complainant is that the petitioners have trespassed into the hut of the defacto complainant and taken away cash and some valuable articles. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. However, he would further submit that without prejudice to his contentions, the petitioners are prepared to deposit an amount of Rs.1,000/- each to the credit of Crime number to show their bonafides. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners have trespassed into the hut and stolen Rs.1,000/- and some articles. Hence he would oppose to grant 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 petitioners are directed to deposit a sum of Rs.1,000/- (Rupees one Thousand Only) each to the credit of crime No.1198 of 2020 within a period of fifteen days from the date on which the copy of the order is made ready. On such deposit, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, before the Judicial Magistrate, Kumaranpalayam, on condition that 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 concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] the petitioners shall deposit a sum of Rs.1,000/- each to the credit of Crime No.1198 of 2020 before the learned Magistrate.

[c] the petitioners shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 am., 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/ Trial Court 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/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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
08/10/2020

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,
KUMARAPALAYAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KUMARAPALAYAM POLICE STATION, सत्यमेव जयते
NAMAKKAL DISTRICT.

CC to M/S.DASSANDVISWA ASSOCIATES Advocate on payment of
necessary charges

CRL OP.15881/2020

Date :08/10/2020

MK:28/10/2020