

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.16181 of 2020

C.Anandan

... Petitioner

Vs.

The Inspector of Police,
Rathinapuri Police Station,
Coimbatore District.

Crime No.276/2017.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of apprehending arrest in C.C.No.08 of 2018 pending on the file of the learned Judicial Magistrate Court, No.II, Coimbatore.

For Petitioner : Mr.P.Muthamizh Selvakumar

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

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 171, 420 of IPC 1860 in Crime No.276 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 26.04.2020 when the defacto complainant was riding in his motorcycle two men who came in another motor cycle stopped him. One of the person was in Police Uniform. They said they wanted to enquire him about the jewel theft and asked him to hand over the bike keys. They also took him to another place and asked him to hand over his mobile phone and 1 ½ sovereigns gold chain. When the defacto complainant and his friend went to take xerox copy of their RC book they found the men missing with the defacto complainant's vehicle. Hence, the complaint.

3.The learned Counsel for the petitioner submitted that this Court already granted anticipatory bail in CrI.O.P.No.17185 of 2019. However, due to his illness, he was unable to furnish the details, thereby the earlier order has been elapsed. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that this Court had granted bail to the petitioner with several conditions, one of the condition is that to surrender two sureties within a period of fifteen days. Since the petitioner is unable to surrender the said sureties the earlier order has elapsed. However, 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 his arrest or on his appearance, within a period of fifteen days from the date on which the copy of the order is made ready, 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 Judicial Magistrate Court No.II, Coimbatore, 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 deposit an amount of Rs.3,000/- in favour of the Legal Service Authority attached to the concerned Court.

[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

[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/-
13/10/2020

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 COURT NO.II,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
RATHINAPURI POLICE STATION,
COIMBATORE DISTRICT.

5 THE OFFICER INCHARGE,
LEGAL SERVICE AUTHORITY,
COIMBATORE.

6 THE SECRETARY,
TAMILNADU LEGAL AID SERVICES AUTHORITY,
HIGH COURT, MADRAS.

CC to M/S P.MUTHAMIZH SELVAKUMAR Advocate on payment of necessary charges

CRL OP.16181/2020

Date :13/10/2020

MK:22/10/2020