

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16305 of 2020

1.LOURDUSAMY
2.ARUL
3.THANGARASU
4.YESUDAS
5.KANAGARAJ
6.AROKIYASAMI
7.STALIN
8.AMULRAJ
9.RABERT
10.VICTAR
11.KUMARA VEL
12.SAMIKANNU
13.PILAMBUNATHAN
14.MARTINRAJ
15.MANIKANDAN
16.SATHISH

... Petitioners

Vs.

The State rep. by its
The Station House Officer
Puduchatram Police Station
Puduchatram
Cuddalore District
(Crime No.462 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent police in Crime No.462 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Muruga Bharathi

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 offences punishable under Sections 457, 380 IPC in Crime No.462 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Kannan is that the petitioners along with other accused committed theft of scrap iron metals worth Rs.50,000/- from Nagarjuna Oil Corporation Ltd., by breaking open the container. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case based on the confession of arrested accused. He would further submit that A1 to A3 have been arrested and the entire property has been recovered from their custody. He would further submit that there is no previous case against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners along with the arrested accused entered into the factory of the defacto complainant and committed theft of scrap metals worth Rs.50,000/- by breaking open the container. He would further submit that there is no previous case against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and the submissions made by the learned Counsels and the fact that there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned District Munsif cum Judicial Magistrate, Portonovo, Cuddalore District, on condition that the petitioners shall execute a separate 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 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 report before the respondent police daily at 10.30 a.m. until further orders.

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

[d] the petitioners 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 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].

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

-sd/-

14/10/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
PORTONOVO, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
PUDUCHATRAM POLICE STATION,
PUDUCHATRAM,
CUDDALORE DISTRICT.

+1 CC to M/S.R.MURUGA BHARATHI Advocate on payment of necessary charges SR.No.7041

CRL OP.16305/2020

Date :14/10/2020

cs 23/10/2020