

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17179 of 2020

Pandeewari

... Petitioner

Vs.

State rep.by

.... Respondent/Complainant

The Sub-Inspector of Police,
T-16, Nazarathpet Police Station,
Nazarathpet, Chennai-600 123.
[Crime No.544 of 2019]

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.544 of 2019 on the file of the respondent police.

For Petitioner : Mr.S.P.Paari

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC, in Crime No.544 of 2019, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution is that the petitioner had received the stolen articles from the main accused. 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 was earlier granted anticipatory bail by this Court in CRL.O.P.No.2727 of 2020 dated 10.02.2020. However, while the petitioner was taking steps to furnish the sureties, the Courts were closed due to

pandemic situation, thereby, earlier anticipatory bail granted got lapsed. Therefore, the present petition has been filed.

4. The learned Additional Public Prosecutor would submit that the petitioner has received the stolen articles from the main accused. He would further submit that the petitioner was granted earlier anticipatory bail in CRL.O.P.No.2727 of 2020 dated 10.02.2020. 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 deposit a sum of Rs.1,000/- (Rupees One Thousand only) to the Legal Service Authority attached to the concerned court and on such deposit and production of proof, the petitioner is ordered 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.1, Poonamallee**, on condition that the petitioner 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 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 Aaksa-2ar card or Bank pass Book to ensure their identity.

[b] **the petitioner shall report before the respondent Police every day at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.**

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
03/11/2020

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 NO.1,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
T-16, NAZARATHPET POLICE STATION,
NAZARATHPET,
CHENNAI-123.

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

CRL OP.17179/2020

Date :03/11/2020

TA-10/11/2020

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