

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17134 of 2020

Suresh

... Petitioner

Vs.

State rep.by

The Inspector of Police,
Puzhal Police Station,
Chennai.

[Crime No. 2634 of 2020]

... Respondent/Complainant

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.2634 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Mohmed Ashik

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 offence punishable under Sections 380, 457 of IPC, in Crime No.2634 of 2020, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Prabhu is that certain unknown persons had broken the lock of his shop and committed theft of silk sarees worth about Rs.15,00,000/-. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, based on the confession of A1 that the petitioner had accompanied A1 at the time of offence. He would further submit that A1/Vignesh was arrested in this case and the entire property has been recovered from the said Vignesh. He would submit that the petitioner has no other previous case against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with one Vignesh had broken the lock and committed theft of silk sarees worth about Rs.15,00,000/- from the shop of the defacto complainant. He would further submit that A1 has been arrested and the entire stolen articles has been recovered from A1. He would submit that A1 had confessed that the petitioner accompanied him and helped him to open the door by using welding machine. He would further submit that there is no previous case pending against the petitioner. Hence, he opposed to grant bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and that the arrested accused has been released on bail and the entire properties has been recovered, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, 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, Madhavaram, 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., 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 abscond, a fresh FIR can be registered under Section 229A IPC.

8.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,
MADHAVARAM

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
PUZHAL POLICE STATION,
CHENNAI.

CC to M/S.J.MOHMED ASHIK Advocate on payment of necessary charges

CRL OP.17134/2020

Date :03/11/2020

RVR 10/11/2020

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