

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.18052 of 2020

V.Anandharaj

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Vellore South Crime Police Station,
Vellore District.
(Crime No.148 of 2018)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.148 of 2018 pending on the file of the respondent police.

For Petitioner : Mr.K.Venkatesan

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

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 399 of IPC, in Crime No.148 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant namely one Karthik is that on 16.06.2018, when the defacto complainant stopped his car near Contonment railway station to attend nature's call, he had seen the petitioner along with the other accused making preparation to commit robbery. Hence the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him to keep him under pretext. He would further submit that the petitioner was involved in six previous cases and in all those cases, he was granted bail. He would further submit that on reading the FIR, it could be seen that it is a foisted case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is a habitual offender, having six previous cases. He would further submit that on 16.06.2018, when the defacto complainant had gone to attend nature's call, he had seen the petitioner along with other accused making preparation to commit robbery. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the FIR.

6. Taking into consideration the facts and submissions of the learned Counsel and that the case is of the year 2018, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of his 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.I, Vellore**, on condition that 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 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 Aadhar card or Bank pass Book to ensure their identity.

[b] **the petitioner shall report before the respondent Police daily at 10.30 a.m., and 5.30 p.m., 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
18/11/2020

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 - 600104.

TO

1 THE JUDICIAL MAGISTRATE NO.I,
VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELLORE SOUTH CRIME POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S.K.VENKATESAN Advocate on payment of necessary charges SR.NO.7693

CRL OP.18052/2020

Date :18/11/2020

GKS:27/11/2020