

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.17410 of 2020

R.Balamurugan @ Balu

.. Petitioner

Vs.

The State Rep. by
The Inspector of Police
Anupparpalayam Police Station
Tiruppur City.
(Crime No.3551 of 2020)

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.3551 of 2020 pending on the file of respondent.

For Petitioner : Mr.J.Franklin

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 alleged offences under Sections 392 r/w 397 and 506(ii) of IPC, in Crime No.3551 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 15.10.2020 at about 9.00 p.m, while the de-facto complainant was travelling from Poondi to Puluvaipatti in his two-wheeler, the petitioner waylaid him and while threatening him with knife, robbed Rs.2000/-. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he did not commit any offence as alleged by the prosecution. He would further submit that a false case has been foisted only to put fetter on the petitioner. He would further submit that earlier, the petitioner was falsely implicated in Crime No.3274 of 2020 registered by the Thirumuruganpoodi P.S and while the petitioner was complying with the condition, the present case has been foisted against him. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is an habitual offender and he is involved in three previous cases, out of which one case is for the offence under Section 307 of IPC and two other cases are for the offence under Gambling Act. While the petitioner was complying with the condition, he got involved in this case.

5. Taking into consideration, the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tiruppur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] the petitioner shall appear before the Judicial Magistrate No.III, Tiruppur 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 SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

07/12/2020

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.III, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
ANUPPARPALAYAM POLICE STATION,
TIRUPPUR CITY.

CC to M/S.J.FRANKLIN Advocate on payment of necessary charges
Sr.7933

CRL OP.17410/2020

सत्यमेव जयते Date: 07/12/2020

RVR 09/12/2020

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