

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.17529 and 17786 of 2020

1.Saravanan
2.Ilayaraja

... Petitioners in both Crl.O.Ps

Vs.

The State Represented by,
The Inspector of Police,
Thalaivasal Police Station,
Salem District.

(Crime No.208 and 207 of 2018) ... Respondents in both Crl.O.Ps

Common Prayer: Criminal Original Petitions filed under Section 438 Cr.P.C., to enlarge the petitioners on bail, in the event of their arrest in Crime Nos.208 and 207 of 2020 on the file of the respondent police.

For Petitioners : Mr.D.Ashok Kumar
(In both Crl.O.Ps.)

For Respondent : Mr.M.Mohamed Riyaz
(In both Crl.O.Ps) Additional Public Prosecutor

COMMON ORDER

(These cases have been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 438 of IPC in Crime Nos.208 and 207 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that 01.04.2018 at about 7.30 p.m the petitioner along with other accused had committed the theft of batteries. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution and a false case has been foisted against them. He would further submit that on the confession statement given by the co-accused, the petitioners have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioner along with other accused had committed the theft of batteries from the Cell Phone Tower. He further submitted that there are no previous cases pending as against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their 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 Court-II, Attur, Salem District, on condition that each of 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:

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

7.With the above directions, this Criminal Original Petitions are ordered.

-sd/-
11/12/2020

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 COURT NO.II,
ATTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THALAIVASAL POLICE STATION,
SALEM DISTRICT.

CC to M/S D.ASHOKKUMAR Advocate on payment of necessary charges

CRL OPs.17529 & 17786/2020

Date :11/12/2020

cs 21/12/2020

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