

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.17799 of 2020

Pandian

... Petitioner

Vs.

State rep. By its
The Sub Inspector of Police,
Mappedu Police Station,
Thiruvallur District.
(Cr. No.1865 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.1865 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.M.Mohammad 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 offences punishable under Section 379 IPC in Crime No.1865 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with two other accused persons committed theft of two goats. 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 and he has been falsely implicated in this case. He would further submit that the co accused persons were granted bail by the District Sessions Court, Thiruvallur in CrI.M.P.No.2949 of 2020 on 16.10.2020. He would also submit that there is no previous case as against the petitioner and hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor submitted that the goats were recovered from the co accused persons and he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 before the Judicial Magistrate No.II, Thiruvallur, 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 conditions that:

(b) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

(d) the petitioner shall not abscond either during investigating or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
10/11/2020

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 DISTRICT SESSIONS COURT,
THIRUVALLUR.

2 THE JUDICIAL MAGISTRATE,
NO.II, THIRUVALLUR.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

4 THE SUB-INSPECTOR OF POLICE,
MAPPEDU POLICE STATION,
THIRUVALLUR DISTRICT.

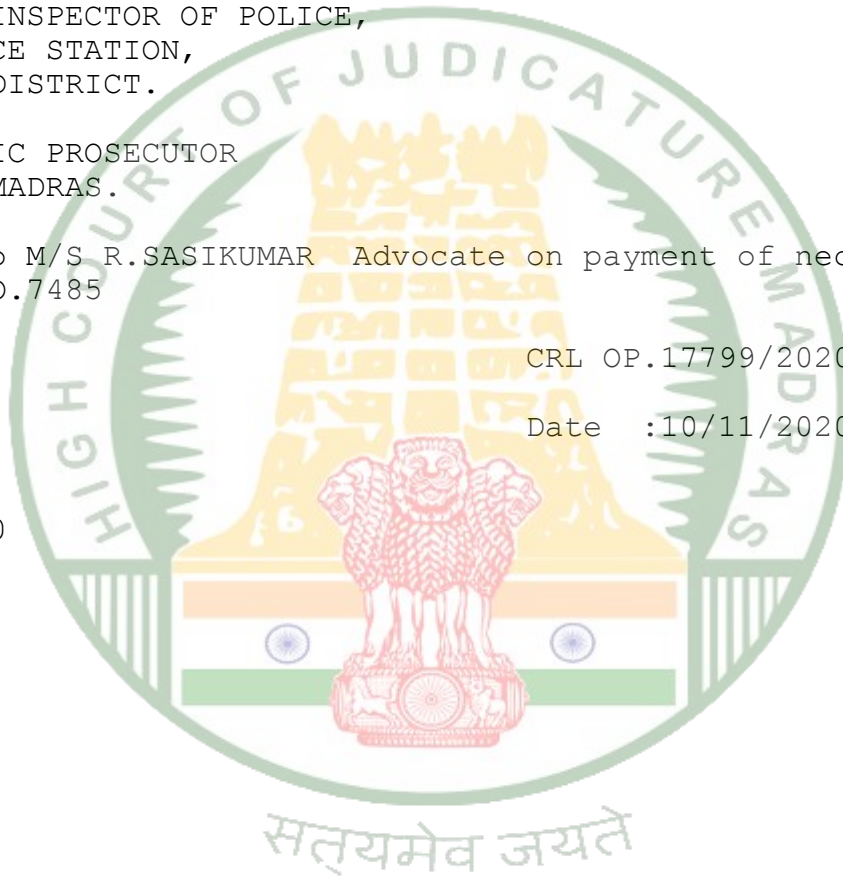
5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S R.SASIKUMAR Advocate on payment of necessary
charges SR.NO.7485

CRL OP.17799/2020

Date :10/11/2020

TA-23/11/2020



WEB COPY