

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.18322 of 2020

Rajesh

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham, Vellore District.
(Cr.No.184 of 2014)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.184 of 2014 pending on the file of the respondent police.

For Petitioner : Mr.C. Vinodhkumar

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 392 of I.P.C in Crime No.184 of 2014, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Srinivasan is that on 17.03.2020 the petitioner along with other accused persons snatched his bag containing 450 grams of gold and cash of Rs.3,00,000/- Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that this case is of the year 2014 and subsequently the petitioner was arrested in another case during the year 2015 and the respondent police did not take any steps to arrest the petitioner . Now the investigation has been completed and the absconding charge sheet has been filed against the petitioner before the Judicial Magistrate Gudiyatham on 15.10.2014. He would further submit that the petitioner has been arrested and granted bail in subsequent cases. Hence prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused persons snatched defacto complainant's bag containing 450 grams of gold and cash of Rs.3,00,000/-. He would further submit that there are 3 previous cases pending against the petitioner and the absconding charge sheet has been issued against the petitioner before the Judicial Magistrate Gudiyatham. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and the case is of the year 2014 and the investigation has been completed and the final report has been filed before the Judicial Magistrate, Gudiyatham, 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 her appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate, Gudiyatham 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 Judicial Magistrate, Gudiyatham everyday at 10.30 a.m. for a period of four weeks and thereafter on the first working day of every month 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/-

20/11/2020

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,
GUDIYATHAM

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDIYATHAM TOWN POLICE STATION,
GUDIYATHAM, VELLORE DISTRICT

CC to M/S. G.VINODHKUMAR Advocate on payment of necessary charges

CRL OP.18322/2020

Date : 20/11/2020

RVR 11/12/2020

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