

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.18324 of 2020

Bass @ Baskaran @ Ashok Kumar

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Sathuvacheri Police Station,
Sathuvacheri, Vellore District.
(Cr.No.890 of 2020)

....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.890 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.G. 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 380 of I.P.C in Crime No.890 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused person robbed 7 batteries and front wheels from the stock yard of the Tractor dealer. 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 based on the confession statement, the petitioner was implicated in this case. The entire stolen properties have been recovered from the arrested accused and they have been granted bail. He would further submit that the petitioner already moved 1st anticipatory bail application and the same ordered in CrI.O.P.No.11779 of 2020 dated 05.08.2020 with an condition to execute the sureties within 15 days, but the petitioner was unable to execute the sureties. He would further submit that the petitioner is ready and willing to abide by any stringent conditions to be imposed by this Court.

4. The learned Additional Public Prosecutor submitted that the defacto complainant is the Manager of Dharani Motors. On 22.07.2020, 7 batteries and 4 front wheels were stolen from the tractors in the stockyard. After verifying the CCTV footage, the defacto complainant came to know that the petitioners along with other accused robbed 7 batteries and 4 front wheels from the Stock Yard. He further submitted that there are no previous cases pending against the petitioner.

5. Taking into consideration the facts of the case and submissions made by the learned counsel appearing on either side, 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 No.V, 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., for a period of two weeks and thereafter every Monday at 10:30 a,m until further orders.

[c] the petitioner is directed to pay a sum of Rs.2,000/- to the Legal Services Authority attached to the concerned Court.

[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,
NO.V, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SATHUVACHERI POLICE STATION,
SATHUVACHERI, VELLORE DISTRICT,

6 THE MEMBER SECRETARY,
TAMIL NADU LEGAL AID SERVICE AUTHORITY,
HIGH COURT, CHENNAI

7 THE OFFICER INCHARGE,
LEGAL SERVICES AUTHORITY,
VELLORE.

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

WEB COPY

CRL OP.18324/2020

Date :20/11/2020

RVR 10/12/2020